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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who rules the raging of the sea, we exalt Your Name because, in spite of the chaos and confusion in our world, You remain the King of Kings and the Lord of Lords. We will continue to praise You for as long as You permit us to borrow our heartbeats from You. Lord, use our lawmakers to transform dark yesterdays into bright tomorrows. Lift up the heads of all who place their trust in You.

And, Lord, we praise You for the life and legacy of Dr. Charles Stanley, who was in touch with You, enabling him to touch the lives of millions.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

DEBT CEILING

Mr. SCHUMER. Mr. President, on the issue of avoiding default, yesterday, Speaker MCCARTHY made it clear how unprepared Republicans in the House are to resolve our Nation's default crisis.

With a default approaching, Speaker MCCARTHY yesterday capitulated to the MAGA right and rolled out a partisan wish list masquerading as legislation. This MAGA wish list has no chance of moving forward in the Senate, and it doesn't move us any closer than we were yesterday to avoiding default.

To quote one hard-right conservative House Republican:

The leadership just picked up the House Freedom Caucus plan and helped us convert it into the legislative text.

That shows you how hard right this wish list truly is.

Again, let me quote one of the most well-known hard-right conservatives in the House:

The leadership just picked up the House Freedom Caucus plan and helped us convert it into the legislative text.

Wow. That is what Leader MCCARTHY is doing—maybe not as a surprise after what happened with the many votes he needed to get elected.

Americans who look at this package will overwhelmingly agree: The biggest losers in Speaker MCCARTHY's agenda are parents, kids, law enforcement, small businesses, and countless others who work hard every single day to make ends meet.

Do you want to talk about reducing debt? Wall Street billionaires are not asked to pay even a nickel under MCCARTHY's bill. Hurt the parents. Hurt the kids. Hurt law enforcement. Hurt small businesses, but leave the billionaires alone. That is what MCCARTHY is doing over there in the House.

Let me say that again. The biggest losers in Speaker MCCARTHY's blueprint are parents, kids, law enforcement, small businesses, and countless others who work hard every single day to make ends meet. Wall Street billionaires are not being asked to pay a nickel. Americans will not accept this transparently unfair and draconian package.

If these MAGA cuts become law, it will decimate everything ranging from food nutrition programs to funding for mental health, opioid addiction, and childcare. Parents who need help buying groceries and baby formulas will see their out-of-pocket costs go up. It is so cruel and heartless that parents who get $6 a person a day to feed their families would see it disappear. Can you imagine? Can you imagine?

If this MAGA wish list becomes law, untold thousands of clean energy and advanced manufacturing jobs could leave our shores and go to China.

This MAGA wish list will also make Americans less safe by slashing funding for the Department of Justice by billions of dollars and eliminating tens of thousands of law enforcement positions nationwide. We hear a lot of talk from the other side about helping the police.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

This helps defund them, this legislation.

Donald Trump called for Republicans to defund law enforcement, and now Republicans seem to be following through. The wish list will further punish middle-class taxpayers and reward tax cheats by slashing funding necessary to go after ultrarich tax cheats while raising taxes on the middle class by depriving them of many of the new tax credits aimed at the middle class that we passed—we Democrats passed—during the last Congress.

You heard me right. This MAGA wish list punishes middle-class taxpayers while rewarding ultrarich tax cheats.

It is clear what is going on here: Speaker MCCARTHY cobbled together all sorts of extraneous measures in order to try and pass something, anything, no matter how extreme. But these extraneous measures—and they are truly extreme—have no place in a debate about avoiding default.

If Republicans truly wish to sell their extreme agenda to the American people, they should not do so in the middle of discussions to avoid default. There is a time and place to debate that, not during this debate, because what they are doing is dangerous to the country.

In the meantime, the solution to resolving the debt limit crisis has not changed. If Republicans want to avoid causing a first-ever default, they should do what we did three times under Donald Trump and twice under President Biden: work with Democrats to avoid default without brinksmanship, without blackmail, without hostage-taking, and without extraneous demands that nobody in America would want to accept, hardly anybody at all.

Speaker MCCARTHY's wish list is an extreme step in the wrong direction. It heads us in the direction of default, and time is running out.

WOMEN'S AND VETERANS' RIGHTS

Mr. SCHUMER. Mr. President, next on women's rights and veterans' rights, for weeks, the senior Senator from Alabama has threatened American security by blocking over 180 routine military promotions because he objects to women in the military accessing reproductive care.

Yesterday, the Senator from Alabama's objections came before the Senate for consideration through a resolution that would have eliminated reproductive care for our veterans and their families. Senator TUBERVILLE lost the vote. Senator TUBERVILLE lost, while our women veterans won.

Yesterday's vote made two things very clear: First, MAGA Republicans are so hellbent on eliminating reproductive choice that not even veterans and our generals are safe. Americans have made abundantly clear that they reject the hard right's anti-choice agenda, but MAGA Republicans still double down.

Second, the Senate has now spoken on Senator TUBERVILLE's anti-choice proposal and said no—one of the few instances where a CRA has been voted down in the Senate and, in this case, with bipartisan votes against it.

The Senate has spoken. Senator TUBERVILLE has zero excuse for blocking 180 military promotions. His objection has been presented, considered, and rejected on a bipartisan basis. He should drop his holds against our military personnel and move on.

I urge my Republican colleagues who care about our national defense and about our veterans to talk some sense into our colleague from Alabama so he can drop his dangerous holds.

FEDERAL BUREAU OF INVESTIGATION

Mr. SCHUMER. Mr. President, next on the FBI, a few weeks ago, former President Donald Trump called on Republicans in Congress to defund the Department of Justice and FBI because of personal grievances. Instead of standing up to President Trump, Speaker MCCARTHY and Republican leaders have been silent, and some Members of their party even echo the former President's call.

That is why today I am introducing a resolution denouncing President Trump's call to defund the DOJ and the FBI. The Senate will act on this measure as soon as next week.

The resolution is simple. It expresses our support for Federal law enforcement, and it condemns Donald Trump's call to defund the DOJ and FBI and any other partisan attempts to undermine their authority.

When the resolution comes to the floor, every Member of this Chamber will have a chance to do the right thing: stand up for the brave law enforcement who keep us safe and reject the former President's dangerous call to strip away their funding.

I hope the resolution passes unanimously. It certainly should.

The DOJ and FBI do critical work to protect our communities from threats at home and abroad, including drug trafficking, gun violence, terrorism, and so much more. Do Republicans really want to cut their funding, the funding of these Agencies, making it harder for them to do their jobs?

Again, where will Republicans stand? Will they stand with the Federal law enforcement who keep us safe or stand with the former President and his dangerous call to defund Federal law enforcement? The American people deserve to know how radical the hard right has become, and this resolution will give them answers.

FIRE GRANTS AND SAFETY ACT

Mr. SCHUMER. Mr. President, on the Fire Grants and Safety Act, later today, the Senate will pass a much needed lifeline for our firefighters, the Fire Grants and Safety Act.

I thank my colleagues on both sides of the aisle for their good work on this overwhelmingly bipartisan legislation.

Passing the Fire Grants and Safety Act will extend two important Federal grant programs that support our paid and volunteer firefighters—SAFER and AFG.

As we approach the fire season, extending SAFER and AFG is crucial to ensuring that firefighters have lifesaving equipment and personnel necessary to do their jobs. This is particularly true in smaller, more rural, more suburban areas where volunteer firefighters staff the firehouses, but the equipment is hard to purchase for smaller and less wealthy communities.

Our firefighters are brave. They risk their lives for us. They run toward danger, not away from it. They work tirelessly around the clock, often in dangerous and unpredictable conditions, putting their lives on the line to keep us safe. Firefighters have had our backs, and passing the Fire Grants and Safety Act today will show we have their backs too.

I was proud, in my early days in the Senate, to work with Senator Dodd to pass this legislation.

Again, I thank my colleagues. This has been an example, again, just like we did a few weeks back on the AUMF, of how the Senate should work—bipartisan. We worked with our Republican colleagues and the ranking member of the relevant committees to allow Republican amendments, and, in turn, our Republican colleagues are supporting us moving forward on this important legislation. It is a good thing, and I hope this model continues. As leader, that is one of the things that I am trying to do.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NOMINATION OF JULIE A. SU

Mr. MCCONNELL. Mr. President, well, the Biden administration's reckless economic policies have hurt American workers and families right from the beginning. Right from the start of their one-party government, Democrats used party-line votes to light trillions—trillions—of dollars on fire and supercharge inflation that is still hammering the country right up to the present.

After 2 years of reckless policies and human pain, the American people voted for checks and balances. They

elected a Republican House and a narrowly divided Senate to literally pump the brakes on this radicalism. But there is an old saying in Washington that ''personnel is policy.'' So while the American people put a stop to reckless legislation last November, President Biden continues to send reckless nominations to the Senate. They want to accomplish through Big Government regulations what the voters have stopped them from doing here in Congress.

This morning, for example, the HELP Committee is hearing from Julie Su, President Biden's nominee to run the Department of Labor. Ms. Su has a lengthy track record for all—all—the wrong reasons.

Before entering the Biden administration, she presided over a disaster as head of the State labor department out in California. Tens of billions of dollars in fraudulent payments went out the door on her watch. The State auditor found Ms. Su and her department were totally asleep—totally asleep—at the switch on antifraud efforts. Even the Los Angeles Times had to label her performance—listen to this—an ''epic failure.''

Our supply chains are already in enough peril, due in part to high-stakes labor negotiations. Think about the negotiations to keep open the ports on the west coast. Think about the ripple effects. Our national economy cannot afford a track record of ''epic failure'' leading our Department of Labor.

She also supported and helped implement a controversial new California law that essentially—listen to this—declared war on independent contractors and tried to give Big Labor special interests veto power over the entire gig economy. In essence, these far-left Democrats want every ride-share driver, hairdresser, or personal trainer to be reclassified and handled more like a corporate employee, all so that part of their paychecks could be vacuumed up and donated to leftwing political causes.

The same partisan inflexibility has defined Ms. Su's time here in Washington as Deputy Secretary of Labor on the national level. From the powerful No. 2 job, she helped President Biden try to force that California model into our entire economy, a giant gift for Big Labor bosses at the expense of workers and consumers alike. She also signaled that she wants to help lead the far left's crusade against the current joint-employer rule, yet another effort to give big-money union bosses even more power to squash innovation and skim money from workers' paychecks.

What they can't get through legislation, they fully intend to push forward through regulations. So it is no wonder that an unending parade of small business leaders, independent contractors, and other job creators have written the Senate literally begging us—begging us—to demand a fairer and more mainstream Labor Secretary. Confirming this nominee would compound the economic pain the Biden administration has already caused.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

FIRE GRANTS AND SAFETY ACT—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to S. 870, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 870) to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

Pending:

Schumer amendment No. 58, to add an effective date.

NOMINATION OF JULIE A. SU

Mr. THUNE. Mr. President, this morning the Senate Health, Education, Labor, and Pensions Committee is considering the nomination of Julie Su to be Secretary of Labor.

Before joining the U.S. Department of Labor as Deputy Secretary under President Biden, Ms. Su previously served as labor secretary for the State of California, and in that post, she was perhaps most notable for presiding over massive unemployment fraud during the COVID crisis. Unemployment fraud was a significant problem during the pandemic, but even with widespread fraud, California stood out for the scope of its problem.

During the first 6 months of the pandemic, California had an improper payment rate of 36.6 percent. Let that sink in for a moment—an improper payment rate of 36.6 percent. Ultimately, the State paid out around $30 billion in fraudulent claims between the start of the pandemic and last spring.

Now, certainly, States faced an influx of unemployment claims during the pandemic that put additional pressure on unemployment agencies. But California's fraud situation was not simply a result of an increased workload during the pandemic. It was also in part the result of Ms. Su's decision to remove safeguards intended to help prevent fraudulent claims.

During the early days of the pandemic, Ms. Su directed the California Employment Development Department to—in the words of the California State auditor—''pay certain claimants UI benefits without making key eligibility determinations and to temporarily stop collecting biweekly eligibility certifications.'' These directives unquestionably helped smooth the path for widespread unemployment fraud as well as a significant number of improper payments.

It is difficult to know what President Biden was thinking when he decided to nominate someone who presided over massive unemployment fraud to be the next Labor Secretary. If that is what happened when Ms. Su was the labor secretary for a single State, it is difficult to see her as a qualified nominee to head the Labor Department for an entire country.

But my concerns with Ms. Su don't end there. In addition to questions about her ability to effectively administer a Cabinet Department, I have serious concerns that Ms. Su would use her national platform to continue promoting policies that are hostile to workers.

During her time in California government, Ms. Su was a proponent of Assembly Bill 5, which is a piece of legislation that reclassified many workers who had been considered independent contractors as employees through a set of criteria known as the ABC test.

That test proved to be so unpopular and unworkable that ultimately dozens of occupations were exempted from the measure—so many that the list of exemptions ended up being longer than the text of the original bill. Even California voters recognized how problematic it was, which is why they approved Proposition 22, which specifically designated app-based rideshare and delivery drivers as independent contractors.

Now, people tend to think of Uber or Lyft as the prime example of gig work, but, in actual fact, gig workers and independent contractors make up a sizable percentage of the labor force and are part of a wide range of professions, from hairdressing to truckdriving to insurance adjustment. And a lot of gig workers and independent contractors are big fans of the freedom and independence that independent contracting provides and are not looking to be reclassified as employees.

A 2017 report from the Bureau of Labor Statistics found that a whopping 79 percent of independent contractors preferred their work arrangement to a traditional work arrangement. Less than 10 percent expressed a preference for a traditional job.

The truth is that laws like California's arise not from a groundswell of gig worker dissatisfaction but from liberals' commitment to Big Labor, which would like to see the majority of workers forced to pay dues.

Laws like California's Assembly Bill 5 are supported by unions because they would put more workers in a position where they might end up joining unions, even if gig workers and independent contractors themselves don't

want to find themselves in that position.

And Ms. Su's anti-gig-economy, anti-independent-contractor positions aren't limited to her time in California. During her time with the Department of Labor, Ms. Su has continued to attack independent contracting and gig work.

She presided over the Biden administration's proposed new worker classification rule last fall, which would force independent contractors and gig workers, who typically receive 1099 income, to reclassify as W–2 employees.

Gig workers who receive 1099 taxable income have the ability to deduct expenses, like mileage in the case of an Uber or Lyft driver, equipment rental costs, and home offices.

Forcing gig workers to reclassify as W–2 workers would mean that they could no longer avail themselves of some of these deductions, putting this significant sector of our economy at a financial disadvantage and reducing worker flexibility.

This new rule would, however, offer opportunities for labor unions to collect new members, which is, presumably, Ms. Su's and the Biden administration's goal.

President Biden, of course, is a big fan of Big Labor and has done everything he can to advance Big Labor's priorities. Ms. Su said as much last year to a group of labor activists. ''The Department of Labor stands with you,'' she said. ''The Biden-Harris administration stands with you. . . . And you have a president who has vowed to be the most pro-worker, pro-union president in history.''

The President's and Democrats' ultimate goal here is passage of the PRO Act, which Ms. Su supports. This legislation, a major priority of Big Labor's, would implement a national version of California's Assembly Bill 5, only without the California bill's exemptions, as well as a number of other provisions designed to appease union bosses.

And if the PRO Act passed, its anti-independent-contractor provisions could wreak havoc on whole industries, like trucking, which would not only be bad for affected workers but for our entire economy.

The last thing that we need during a time of supply chain problems, for example, is an unnecessary reduction in the number of truckers carrying food and goods around our country.

I have introduced legislation in the past to help gig workers, and I was proud to join Senator TIM SCOTT this week in introducing his Employee Rights Act, legislation that would protect both union and nonunion workers and preserve the freedom of independent contractors to maintain their preferred work arrangements.

And I will continue to support measures to ensure that Americans have the freedom to choose the work arrangement that works for them, instead of being forced into arrangements preferred by the Democratic Party and by Big Labor.

Before I close, I also want to mention the hostility Ms. Su has demonstrated to franchises and the franchising model, which has provided economic mobility for so many in this Nation. She is a supporter of another disastrous California idea, the FAST Recovery Act, which is legislation passed by the California State Legislature and signed by the Governor that would give government appointees authority to micromanage franchise restaurants throughout California, including setting wages and working hours, among other decisions.

That law is so unpopular in her own home State that a million Californians signed a petition to add it as a ballot initiative in 2024 so that they can vote on whether the law should actually be implemented.

And the opposition is not surprising, when you consider that the measure would raise costs for restaurants and, according to the International Franchise Association, could increase prices at affected restaurants by as much as 20 percent.

Julie Su is a poor choice for Secretary of Labor, and I hope that some of my Democratic colleagues will join Republicans in acknowledging the serious concerns about both her policy positions and her ability to effectively administer the Labor Department and will urge the President to withdraw her nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. VAN HOLLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 85

Mr. VAN HOLLEN. Mr. President, I call up amendment No. 85 as provided under the previous order, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Maryland [Mr. VAN HOLLEN] for himself and Ms. MURKOWSKI, proposes an amendment numbered 85.

The amendment is as follows:

(Purpose: To provide grants for fire station construction through the Administrator of the Federal Emergency Management Agency)

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Emergency Management Agency.

(2) CAREER FIRE DEPARTMENT.—The term ''career fire department'' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

(3) COMBINATION FIRE DEPARTMENT.—The term ''combination fire department'' means a fire department that has—

(A) paid firefighting personnel; and

(B) volunteer firefighting personnel.

(4) EMS.—The term ''EMS'' means emergency medical services.

(5) NONAFFILIATED EMS ORGANIZATION.—The term ''nonaffiliated EMS organization'' means a public or private nonprofit EMS organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator finds that EMS are adequately provided by a fire department.

(6) VOLUNTEER FIRE DEPARTMENT.—The term ''volunteer fire department'' means a fire department that has an all-volunteer force of firefighting personnel.

(b) GRANT PROGRAM.—The Administrator shall establish a grant program to provide financial assistance to entities described in subsection (c) to modify, upgrade, and construct fire and EMS department facilities.

(c) ELIGIBLE APPLICANTS.—The Administrator may make a grant under this section to the following:

(1) Career, volunteer, and combination fire departments.

(2) Fire training facilities.

(3) Nonaffiliated EMS organizations, combination and volunteer emergency medical stations (except that for-profit EMS organizations are not eligible for a grant under this section).

(d) APPLICATIONS.—An entity described in subsection (c) seeking a grant under this section shall submit to the Administrator an application in such form, at such time, and containing such information as the Administrator determines appropriate.

(e) MEETING FOR RECOMMENDATIONS.—

(1) IN GENERAL.—The Administrator shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator, qualified members of EMS organizations to obtain recommendations regarding the criteria for the awarding of grants under this section.

(2) QUALIFICATIONS.—For purposes of this subsection, a qualified member of an organization is a member who—

(A) is recognized for firefighting or EMS expertise;

(B) is not an employee of the Federal Government; and

(C) in the case of a member of an EMS organization, is a member of an organization that represents—

(i) EMS providers that are affiliated with fire departments; or

(ii) nonaffiliated EMS providers.

(f) PEER REVIEW OF GRANT APPLICATION.—The Administrator shall, in consultation with national fire service and EMS organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (d).

(g) PRIORITY OF GRANTS.—In awarding grants under this section, the Administrator shall consider the findings and recommendations of the peer reviews carried out under subsection (f).

(h) USES OF FUNDS.—

(1) IN GENERAL.—A recipient of a grant under this section may use funds received for the following:

(A) Building, rebuilding, or renovating fire and EMS department facilities.

(B) Upgrading existing facilities to install exhaust emission control systems, install backup power systems, upgrade or replace environmental control systems (such as HVAC systems), remove or remediate mold, and construct or modify living quarters for use by male and female personnel.

(C) Upgrading fire and EMS stations or building new stations.

(2) CODE COMPLIANT.—In using funds under paragraph (1), a recipient of a grant under this section shall meet 1 of the 2 most recently published editions of relevant codes

and standards, especially codes and standards that—

(A) require up-to-date hazard resistant and safety provisions; and

(B) are relevant for protecting firefighter health and safety.

(i) GRANT FUNDING.—

(1) IN GENERAL.—The Administrator shall allocate grant funds under this section as follows:

(A) 25 percent for career fire and EMS departments.

(B) 25 percent for combination fire and EMS departments.

(C) 25 percent for volunteer fire and EMS departments.

(D) 25 percent to remain available for competition between the various department types.

(2) INSUFFICIENT APPLICATIONS.—If the Administrator does not receive sufficient funding requests from a particular department type described in subparagraphs (A) through (C) of paragraph (1), the Administrator may make awards to other departments described in such subparagraphs.

(3) LIMITATION ON AWARDS AMOUNTS.—A recipient of a grant under this section may not receive more than $7,500,000 under this section.

(j) PREVAILING RATE OF WAGE AND PUBLIC CONTRACTS.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Administrator under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'').

(2) OVERTIME.—Each employee described in paragraph (1) shall receive compensation at a rate not less than one and ½ times the basic rate of pay of the employee for all hours worked in any workweek in excess of 8 hours in any workday or 40 hours in the workweek, as the case may be.

(3) ASSURANCES.—The Administrator shall make no contribution of Federal funds without first obtaining adequate assurance that the labor standards described in paragraphs (1) and (2) will be maintained upon the construction work.

(4) AUTHORITY OF SECRETARY OF LABOR.—The Secretary of Labor shall have, with respect to the labor standards described in paragraphs (1) and (2), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(5) PUBLIC CONTRACTS.—Contractors and subcontractors performing construction work pursuant to this section shall procure only manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States in accordance with the requirements (and exceptions thereto) applicable to Federal agencies under chapter 83 of title 41, United States Code.

(k) APPLICABILITY.—Chapter 10 of title 5, United States Code, shall not apply to activities carried out pursuant to this section.

(l) REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT TO ADMINISTRATOR OF FEMA.—Not later than 1 year after the date of enactment of this Act, and annually thereafter during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator a report describing how the recipient used the amounts from the grant.

(2) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date on which the rebuilding or renovation of fire facilities and stations are completed using grant funds under this section, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives a report that provides an evaluation of the effectiveness of the grants awarded under this section.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000,000 for fiscal year 2024 to carry out this section. Funds appropriated under this Act shall remain available until expended.

Mr. VAN HOLLEN. Mr. President, our firefighters put their lives on the line every single day, charging into danger whenever duty calls. That is why we have a duty to back them up—not just in words but also in deeds by providing them with the resources and facilities they need and deserve.

The underlying bill today extends critical programs to provide training, equipment, and personnel, and I commend the chairman of the committee and the full committee for their action on this. But there is also an urgent need to repair crumbling, insufficiently safe firehouses. Nearly half of the fire stations across the country require major repairs. Forty-six percent of them do not have systems that prevent our first responders from being exposed to mold or cancerous carcinogens.

Some have proposed that we address this by taking funds from the assistance to firefighters grants for station construction, but that program is already overprescribed. In fact, in 2020 alone, over $2 billion in requests competed for just $319 million. That is why the firefighters oppose the amendment to poach moneys from the underlying fund.

This measure—this amendment does not poach those moneys. It adds an authorization so that we can have additional funds, when appropriate and if appropriated by the Congress, to provide for fire stations that are crumbling.

This is based on a bill, a bipartisan bill I introduced with Senator MURKOWSKI, and I appreciate her support for this amendment. In the House, this is also a bipartisan bill led by Congressman BILL PASCRELL. So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I want to thank my colleague from Maryland for his support of the Fire Grants and Safety Act.

The amendment he is offering would authorize a new grant program at FEMA to fund fire station construction. And while I fully support increased Federal resources for this purpose, I must, unfortunately and reluctantly, vote no on this particular amendment.

This language has not been moved through committee, and FEMA has not had the opportunity to provide input to ensure that this bill achieves its intended goal.

But let me say again: I fully support this effort, fully support the Senator from Maryland, and agree with him totally that we need to have more resources to help our communities upgrade their fire stations. This is an urgent need.

I also agree we want to make sure that we are not raiding the current fund for this purpose, which is why the next amendment coming up, I will also be voting no. But I fully intend to work with the Senator from Maryland to move towards a markup on his standalone bill, on this very topic, which has been referred to the Homeland Security and Governmental Affairs Committee, a committee in which I chair.

But I will reluctantly be voting no on this amendment.

VOTE ON AMENDMENT NO. 85

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 85.

Mr. VAN HOLLEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—46

Baldwin	Kaine	Schatz
Bennet	Kelly	Schumer
Blumenthal	King	Shaheen
Booker	Klobuchar	Sinema
Brown	Luján	Smith
Cantwell	Markey	Stabenow
Cardin	Menendez	Tester
Casey	Merkley	Van Hollen
Coons	Murkowski	Warner
Cortez Masto	Murphy	Warnock
Duckworth	Murray	Warren
Gillibrand	Ossoff	Welch
Hassan	Padilla	Whitehouse
Heinrich	Reed	Wyden
Hickenlooper	Rosen	
Hirono	Sanders	

NAYS—51

Barrasso	Fischer	Paul
Blackburn	Graham	Peters
Boozman	Grassley	Ricketts
Braun	Hagerty	Risch
Britt	Hawley	Romney
Budd	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Carper	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Tuberville
Cruz	McConnell	Vance
Daines	Moran	Wicker
Ernst	Mullin	Young

NOT VOTING—3

Durbin	Feinstein	Fetterman

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 46, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 85) was rejected.

The PRESIDING OFFICER. The majority leader.

TRIBUTE TO PATTY MURRAY

Mr. SCHUMER. Mr. President, it is a great moment—or a few moments ago it was a great moment, but it continues to be. Our dear friend Senator PATTY MURRAY reached an amazing milestone—10,000 votes over the course of her career in the Senate, the first woman Senator in American history to do so.

(Applause.)

We are not supposed to clap, but every once in a while, breaking protocol is appropriate, as it is now.

It is a remarkable accomplishment for a truly remarkable public servant. Her accomplishments—if she had just cast 10,000 votes, that would be pretty good, but her accomplishments go way beyond that and often dwarf it. She was also the first woman to serve in several Senate leadership positions: chair of the Veterans' Affairs Committee; chair of the Budget Committee; and, of course, at the beginning of this Congress, she made history as the first woman ever to serve as President pro tempore of the Senate.

She is a voice the Senate and the country rely on, on some of the biggest issues we face. When she speaks, everyone listens—Democrats, Republicans, liberals, conservatives, Independents—because they know that she has studied it carefully and it comes right from the heart; it is not political calculation in any way. In issues like healthcare, environment, labor rights, pension, childcare, there is PATTY MURRAY as a beacon—not just a speaker, not just a legislator, but a beacon—to all of us.

And, let me tell you, she has been such a valued member of my leadership team through the years, where she did so, so much, and I relied on her for advice. I know her phone number by heart because I call her so much.

Let's take a moment to recognize and congratulate this great person, this great woman, this great Senator, this great friend, this great Member of the U.S. Senate, Senator PATTY MURRAY.

(Applause.)

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, if I may say to our colleague from Washington, I remember, as you certainly do, that 1992 was declared the ''Year of the Woman,'' and a number of women were elected to the Senate. But you were the leader of the group, and you have had an extraordinarily successful career, and I wanted you to know that people on both sides of the aisle admire your service. And congratulations.

Mrs. MURRAY. Thank you very much.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I just wanted to add my congratulations to my friend and colleague Senator MURRAY for casting her 10,000th vote. She has been such a remarkable leader, a steady force, a hard worker, and it has been wonderful to work in partnership with her on the Appropriations Committee.

PATTY, congratulations, and we look forward to many more extraordinary accomplishments.

Mrs. MURRAY. Thank you.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 83

Mr. SULLIVAN. Mr. President, I call up my amendment No. 83 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 83.

The amendment is as follows:

(Purpose: To improve the bill)

At the appropriate place, insert the following:

SEC. _____. ELIGIBLE USE FOR GRANT FUNDS.

Section 33(c)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(c)(3)) is amended—

(1) by redesignating subparagraphs (K) through (N) as subparagraphs (L) through (O), respectively; and

(2) by inserting after subparagraph (J) the following:

''(K) To construct in communities with not more than 10,000 individuals fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.''.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that there be 4 minutes of debate, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SULLIVAN. Mr. President, every job in America is important, but there is something special, sacred, even noble about a job that entails putting your life on the line to keep your fellow citizens safe, and that is the job of our firefighters.

In Alaska, firefighting season will be upon us soon. It can be brutal. In 2005, roughly 6 million acres of the State burned. That is about the size of Vermont. Think about the dedication and courage it takes to fight those fires, many of which are in rural parts of our States. It is only right that when firefighters come to Congress asking for assistance, that we give them the flexibility they truly need.

So why is my amendment necessary? Currently, the Assistance to Firefighters Grants Program only allows modification to existing fire stations rather than new facilities.

Many old firefighting facilities can't be modified. A 2021 report by the U.S. Fire Service found that 44 percent of fire stations are over 40 years old. The issue is even more acute in rural parts of our country where facilities have problems which cannot be fixed through maintenance and repair alone. For example, roughly 61 percent of fire stations over 40 years old exist in communities serving less than 10,000 people.

So, Mr. President, my amendment is simple. It costs zero dollars. It gives discretion to the firefighters in rural communities to allow Federal grants to small communities of less than 10,000 people to use the Federal funds to build new stations. That is it: a simple, commonsense amendment backed by data to help firefighters in small communities in America who often don't have the tax base to build new facilities.

We should help them. We all have rural communities that need this help. I urge my colleagues to support this commonsense amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I have to also lend my voice in congratulations to Senator PATTY MURRAY. We are so proud of her and look to her for her leadership. It is an honor to serve with her in the leadership in the Senate, but she is just an extraordinary Member. And 10,000 votes—that is a lot of votes, and we should all continue to be very grateful for her leadership. So congratulations.

Mr. President, this amendment is one that, in spirit—I mean, I agree with the need. Senator SULLIVAN and I have talked about the fact that I think he identified something that is very important for small rural communities. It is, however, duplicative of work we already do through rural development in USDA.

The USDA has Community Facilities Programs. They provide grants and loans and loan guarantees for essential community services in rural areas of 20,000 residents or less, including public safety.

Communities have used this for firetrucks, fire department construction, and fire equipment that Senator SULLIVAN has talked eloquently about. Last year, it was nearly $100 million in assistance to rural fire departments.

So I told Senator SULLIVAN that we will have, in the next number of months, the farm bill reauthorization on the floor. I want to work very much with him on how we might be able to more focus or strengthen this program that already exists. The farm bill is coming up. I believe that is the place for us to address what is a very important issue.

So I would urge my colleagues to channel their support to rural first responders into supporting this particular program in the upcoming farm bill reauthorization.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent to speak for 1 minute on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PETERS. Mr. President, I appreciate my colleague from Alaska's support and cosponsorship of the Fire

Grants and Safety Act before us, and I also appreciate and fully agree with this amendment to help smaller communities build new facilities.

But I urge my colleagues to oppose the amendment because of the unintended consequences it would have. The Assistance to Firefighters Grant Program historically receives applications for five times the amount of funding that is available. In 2020, there were $2 billion in requests for only $300 million available in funding. This program is massively oversubscribed, and that is why all of the major firefighting services in this country oppose this amendment. That includes the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, and the National Fallen Firefighters Foundation. All are calling for clean passage of the Fire Grants and Safety Act without amendment.

I know my colleague shared the goal of the good Senator from Alaska. I do as well, but I urge my colleagues to oppose this amendment, join with our firefighters all around the country. Let's send a clean firefighting bill to the House.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. I ask unanimous consent for 30 seconds to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SULLIVAN. Mr. President, again, I want to work with Senator STABENOW on this issue, but we have an opportunity right now.

Every Senator knows that our firefighters in small communities come to the Senate and ask for help because they don't have the tax base to actually build new facilities. And the facilities, as I mentioned, are very, very old.

All this amendment does is add a new category to request for assistance only from communities of 10,000 people or less. It is common sense. We all know it is needed. Again, I encourage my colleagues to support it.

I respect all the firefighter groups who are saying they oppose it, but the only reason they are opposing it is because they say they want a clean bill. You know what, sorry, but that is not a very good argument.

I urge the support of this amendment No. 83.

VOTE ON AMENDMENT NO. 83

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SULLIVAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Missouri (Mr. HAWLEY).

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—42

Barrasso	Ernst	Mullin
Blackburn	Fischer	Murkowski
Boozman	Graham	Paul
Braun	Grassley	Ricketts
Britt	Hagerty	Risch
Budd	Hoeven	Rubio
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Tuberville
Cruz	McConnell	Vance
Daines	Moran	Wicker

NAYS—56

Baldwin	Hirono	Rounds
Bennet	Kaine	Sanders
Blumenthal	Kelly	Schatz
Booker	King	Schmitt
Brown	Klobuchar	Schumer
Cantwell	Lee	Shaheen
Cardin	Luján	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Fetterman	Padilla	Welch
Gillibrand	Peters	Whitehouse
Hassan	Reed	Wyden
Heinrich	Romney	Young
Hickenlooper	Rosen	

NOT VOTING—2

Feinstein	Hawley

The amendment (No. 83) was rejected.

AMENDMENT NO. 58 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 58 is withdrawn.

The amendment (No. 58) was withdrawn.

The Senator from Texas.

SOUTHERN BORDER

Mr. CORNYN. Mr. President, since President Biden took office just a little over 2 years ago, more than 348,000 unaccompanied children have crossed our southern border. To be clear, these 348,000 children did not arrive in the United States by themselves. Children often make this dangerous journey with friends, neighbors, or other relatives, and, of course, in the custody of transnational criminal organizations—or what are otherwise known as coyotes—that get paid to smuggle people into our country.

The sad reality is that many of these children come to the country in the care of these cartels, human smugglers, coyotes. Parents pay smugglers thousands of dollars to bring their child to the United States, but the truth is, the money doesn't guarantee their safety. The journey to the southern border is not easy or safe. Children are subjected to violence, exploitation, and sexual abuse on the way to the United States. Why in the world would anybody think, if I turn my child over to a criminal organization that will smuggle them into the United States—how in the world would they ever have the confidence that they would be safely transported here? So it, sadly, is not surprising.

As folks along the southern border in our border communities in Texas will tell you, trying to help these migrant children when they get here is no small task. There are laws that spell out how long a child can remain in custody, as well as the resources they must receive, things like, of course, food, water, medical care, and adequate supervision. And I believe we do have a responsibility, once those children get to our border and into our custody, to make sure they are safe and well cared for.

Given the huge number of children crossing the border every week due to the administration's open border policies, that job—caring for these unaccompanied children—has gotten nothing but more difficult, and we have seen the harrowing consequences.

At the start of the Biden administration, holding cells in detention facilities were lined with children and other teens sleeping on gym mats, with only a thin aluminum blanket to keep them warm. Thousands of children were stuck in Border Patrol facilities, which were never designed to hold children in the first place, but many were detained out of necessity beyond the 72-hour limit contained in the law at massive public facilities like the Freeman Coliseum in San Antonio. These were used as emergency shelters because there was nowhere else to put them.

But, unfortunately, most of the public lost interest in these children after that point. Certainly, the Biden administration appears to have lost interest in these children once they made it past the border and were released from these various detention facilities, because once children were placed with sponsors in the United States, save for a couple of isolated reports that should have served as warning beacons, Congress and the public didn't have any information about how they were doing, whether they were healthy, whether they were being treated appropriately—anything about their well-being.

Well, that information deficit was recently filled by an investigative story by the New York Times. In February, the Times published its first story detailing the widespread child exploitation of migrant children. It includes stories of unaccompanied migrants who were working in dangerous jobs that violate child labor laws—for example, a 15-year-old girl who packages cereal at night in a factory; a 14-year-old boy who works on a construction job instead of going to school; a 13-year-old child day laborer; children working in meat processing plants, commercial bakeries, and for suppliers for automakers. This is all documented in the investigative report by the New York Times. We aren't talking about part-time gigs after going to school; these are grueling and dangerous full-time jobs that are meant for adults, not children.

So the big question is how they got there. How on Earth did the Biden administration allow so many vulnerable children to be exploited? After all, the

administration should have been aware of the history of migrant children being exploited by their sponsors.

In 2014, the Office of Refugee Resettlement placed eight children with members of a human trafficking ring who posed as family or friends. These children were forced to work on an egg farm in Ohio with no pay for 12 hours a day, 6 or 7 days a week. They lived in deplorable conditions and were threatened with violence unless they complied. It was a disgusting and heartbreaking case of abuse that rightfully garnered a lot of attention. Given the sheer volume of cases the Biden administration has managed the last 2 years, it should have been on alert for similar stories and similar cases.

The percentage of sponsored children who could not be reached a month after their release increased from 20 percent in 2020 to 34 percent in 2021.

Let me say that again. These children are supposed to be placed with sponsors checked out by the administration, by Health and Human Services, but in 2020, 20 percent of those children were unaccounted for 1 month later, and in 2021, it was 34 percent.

Unfortunately, these warning signs went ignored, and the Biden administration did nothing to try to correct the problem.

As the Biden border emergency crisis ramped up, emergency shelters were filling up, and the administration had a major public relations problem on its hands. Its top priority wasn't, apparently, the safety of these children but the speed at which they could be moved from the border to sponsors, with no followup.

The Biden administration wanted to get these children out of the shelters and into the care of these sponsors as quickly as possible. To make that possible, Health and Human Services loosened vetting requirements and urged case managers to move faster, with little regard for the danger that was created for these migrant children.

In a staff meeting last September, Secretary Becerra reportedly told employees:

> If Henry Ford had seen this in his plants, he would never have become famous and rich. That is not the way you do an assembly line.

This is the Secretary of Health and Human Services, a person who is leading the Agency that is meant to care for these children, and he is telling his employees to create a manufacturing assembly line. He deliberately pushed for speed, speed, and more speed because of the public relations problems that the administration was experiencing.

Just 1 year earlier, during Secretary Becerra's tenure, nearly a dozen managers from the Office of Refugee Resettlement sent a memo expressing their concerns about labor trafficking—exactly the problem the New York Times investigation exposed. They said they feared that the Office had come to reward speed over safety. But apparently nothing changed.

Earlier this week, the New York Times published yet another story with even more details on the administration's failure to protect migrant children. One of the most startling revelations was the sheer scale of the crisis.

This chart shows the number of calls to Health and Human Services each month reporting trafficking, neglect, or abuse of migrant children who have been placed with sponsors by the U.S. Government—specifically by the Biden administration's Health and Human Services Department. As you can see, the Department was receiving fewer than 50 calls a month back in 2018, but that number climbed in 2019 and 2020, and starting in 2021, the number of calls skyrocketed. And of course these weren't just cases in which somebody spotted abuse and spoke up. We have no idea how many cases went unreported. But it has become breathtakingly clear that this widespread abuse wasn't caused by missteps; it was a result of intentional policy decisions from top administration officials.

As it turns out, the White House and Federal Agencies were alerted again and again that these children were at risk and did nothing.

In 2021, the most senior career member of the Office of Refugee Resettlement sent an email to her bosses warning them that children were likely to be placed in dangerous situations. When her warning was ignored, she filed a complaint and requested whistleblower protection. Not long after, she was moved out of her position. She then filed another complaint arguing that she was retaliated against—a move that is against the law.

Sadly, this is not an isolated event. Within Health and Human Services, at least five staffers have filed complaints and said they were pushed out of their jobs for sharing concerns with their leadership about this extraordinary crisis of abuse or neglect.

Well, the Labor Department was aware of child labor violations too. Last year, investigators identified major instances of child labor violations that took place in auto parts factories and meatpacking plants. As they continued to uncover more and more cases of migrant children being exploited, the Department shared its concerns with the White House. Former Labor Secretary Marty Walsh confirmed that the Department included details about these situations in its weekly reports to the White House, so the White House was clearly informed about these issues. In December, the Labor Department even released a public report showing a 69-percent increase in child labor violations since 2018.

Well, miraculously, the White House now claims to have no knowledge of this disturbing trend. Susan Rice, who serves as Director of the White House Domestic Policy Council, which oversees virtually every aspect of domestic policy affairs, claims no knowledge of this problem.

We know that when the border crisis reached its fever pitch during the summer of 2021, Ms. Rice's team received a memo from Health and Human Services' managers about labor trafficking. Two people confirmed that Ms. Rice was told about the contents of the memo, but the White House now disputes that claim.

Health and Human Services also provided the White House with frequent updates on a group of children being exploited in Alabama, but the White House now says senior officials were never made aware of this situation.

Again and again, the Biden administration was told but failed to heed the warnings of these migrant children being exploited.

And, now, after major investigative reporting has been done by the New York Times, they refuse to accept responsibility and apologize. Instead, they have decided the blame game is what they need to do. So HHS blames the Labor Department for failing to enforce child labor laws. The Labor Department says it shared information with HHS and the White House, but they failed to respond. The White House blames both Departments because, even though they passed along information about potential abuse, they somehow didn't mark it as urgent.

Well, to state the obvious, the Biden administration shouldn't need to be told that potential child exploitation is an urgent matter and deserves attention. It is self-evident. Given the history of migrant children being exploited and the massive scale of President Biden's border crisis, the administration should have been on top of this from the beginning. Clearly, they weren't, and they still aren't. Ultimately, the children they claim to be helping are the ones paying a terrible price.

As the New York Times makes clear, the Biden administration knew the children were being exploited and willingly failed to act. It repeatedly brushed aside warnings and continued to prioritize speed over safety.

So the American people need to know: Is this an example of gross negligence, of whistleblower chilling, or, just simply, a willful violation of the law by the Biden administration?

Right now, the answer to all of those questions appears to be a big and resounding yes.

We need answers from Secretary Becerra, the Secretary of Labor, and Susan Rice on how this could possibly be allowed to happen and how it could continue to happen as I speak. We need accountability, and we need to see proof that there are changes being implemented to prevent this from happening in the future.

Time and time again, the Biden administration has claimed that its approach to the border and immigration is fair, orderly, and humane. But there is nothing fair about putting children in the care of people who will exploit them. There is nothing orderly about ignoring warnings of child labor violations, and there is nothing humane

about the way migrant children are suffering in silence across America.

Every Member of this Chamber, Republicans and Democrats alike, should be absolutely outraged by the Biden administration's abdication of responsibility—of their obligation and our obligation—to protect these migrant children.

I hope, now that the New York Times has detailed the abuses that are occurring, that it will somehow finally get the attention of the Biden White House, and they will finally take appropriate action to protect these children they claim to be helping but who are, in fact, being sacrificed to those who would exploit them and take advantage of them.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nebraska.

ELECTRIC VEHICLES

Mrs. FISCHER. Madam President, this Presidential administration has consistently been marked by egregious overreach. Over the past few months, we have seen them trying to regulate everything from our State water to our personal retirement funds. Now the Biden administration wants to control which cars Americans are able to drive.

Last week, the Environmental Protection Agency issued new regulations cracking down on vehicle emissions. These new standards make it harder for people to drive gas-powered cars in an attempt to coerce Americans into purchasing new electric vehicles, or EVs—vehicles that cost about as much as the average family makes in a year.

These regulations are part of a so-called emissions plan, but there is nothing realistic about what the Biden administration is trying to do. The administration says it wants 67 percent of the cars in this country to be electric by 2032—just 9 years from now. Last year, EVs only accounted for 6 percent of new car sales. And the International Energy Agency predicts that, by 2030, EVs will only make up 15 percent of the vehicles in our country.

We need to tell it like it is. The White House's plan is based on the speculative wish that EVs will make an inconceivable jump from a tiny fraction of our vehicles to the majority of them in less than a decade. The so-called plan is really a pipe dream, and the facts show that the EPA's goals are highly unlikely, if not impossible. The administration is using its imagination to try and create a world that real Americans don't even want, and, in the process, it is ignoring the many complexities at play when it comes to electric vehicles.

Let's talk about some of those complexities.

Electric vehicles rely on the electric power grid, and a massive increase in EV use, like the Biden administration wants, could cause serious issues with the grid. During a heat wave last September, power authorities in California had to ask residents to avoid charging their electric cars in the evenings for fear that the power grid would malfunction from being overwhelmed.

Imagine what would happen if EV use increased exponentially like the Biden administration wants. If EV use is going to increase, it should be a natural growth driven by consumers rather than an artificial spike manufactured by the government. That way, power producers and electrical grids would have time to grow and adapt to new spikes in electricity demand.

The EV mandate also overlooks some serious public safety concerns. Electric vehicles can weigh up to three times as much as gas-powered cars because of their heavy batteries. The force of an EV hurtling toward another car in a crash is intensified by all that weight. A heavy EV accidentally crashing into a lighter, older car is a recipe for severe injury or death—the heavier the car, the higher the risk of fatality in a crash.

The Biden administration itself admits this. National Transportation Safety Board Chair Jennifer Homendy said that she was ''concerned about the increased risk of severe injury and death for all road users from increasing size, power, and performance of vehicles on our roads, including electric vehicles.''

I would point out that this safety risk disproportionately affects women. A report released last month by the Government Accountability Office found that crash tests, which identify car safety issues that might endanger passengers in an accident, don't use physiologically accurate female dummies. Some only use male dummies. They don't even attempt to test car safety on the female body. This is part of why crashes injure and kill women at higher rates than men. Before mandating a rush of electric vehicles on the roads, the Biden administration needs to find a solution to the risk these cars can pose, especially to women.

Heavy cars, like EVs, put extra stress and damage on our roads as well. Their weight pulverizes the roadbed, causing more maintenance, more upgrades, and more costs. But, right now, only gas-powered cars pay into the highway trust fund, or the HTF, which provides 90 percent of Federal highway assistance. This fund repairs wear and tear from vehicles on the highway. The sale or charging of EVs doesn't contribute anything to the highway trust fund, but the highway trust fund exists to fix exactly the type of damage that heavy EVs can cause. So it is only fair that both gas-powered and electric vehicles pay into that fund.

I plan to introduce a bill soon that would fix this discrepancy. We need to do this to address some of the complexities at play with electric vehicles and especially a unilateral government mandate that would push for so many on our roads so soon.

The electricity and road concerns related to EVs should be enough to temper the Biden administration's fanciful ambitions for a massive electric vehicle push, but the repercussions of a Federal EV mandate go beyond America's borders. We know that China completely dominates the EV battery supply chain, and, you know, that is not going to change anytime soon, as 60 to 100 percent of all battery minerals are processed in China, according to an energy think tank known as SAFE. Our domestic supply—well, it is not anywhere near the demand that would result from this new legislation.

And it is so ironic that many of the same activists who support an electric vehicle mandate oppose—they oppose—the U.S. mining needed to make EV batteries. They would rather use horrible mining practices in other countries and support very dangerous working conditions for those miners.

Also, this means that a push for EVs is a push for energy dependence on China, and China, we all know, is not our friend, as news this week about a secret Chinese police station in New York City reminds us. Our turbulent relationship with the Chinese Communist Party means it will use any dependence that we have on China to its own advantage.

Americans don't want to rely on China for our vehicles, but studies also show that Americans aren't even interested enough in EVs to merit a government mandate. A recent Pew Research poll found that the majority of Americans opposes the Biden administration's plan to phase out gasoline-powered cars and trucks by 2035. A Gallup poll found that 4 percent of Americans own an EV—4 percent—and that only 12 percent are seriously considering getting one. And 41 percent claim that they would never buy an EV.

Sixty percent of people say they think EVs are too expensive. The price of EVs would have to come down by about $15,000 for the average American to see them as real competitors to gas-powered cars.

Americans have the right to buy electric vehicles if they so choose, and I support that right, but they should also have the right not to buy one. Our government is supposed to be of the people, by the people, and for the people, but, frankly, this Federal mandate is of the EPA, by the EPA, and for the EPA. It is not based on the interests of the American people, only the interests of a power-hungry White House.

President Biden is prioritizing electric vehicles—and, by extension, the small slice of Americans that wants and can afford EVs—without adequately considering the effects of a top-down government mandate on energy security and the lives of the American people.

In closing, the Biden administration's plan for a utopia of perfectly green vehicles is a cute idea, but it is completely out of touch with reality. It is also out of touch with Americans' real needs and desires.

This administration has got to stop with these top-down mandates that force Americans into outcomes that

they wouldn't choose themselves. In the meantime, I hope my Senate colleagues will join me in advocating for what Americans really want and pushing back on this administration's overreach.

I yield the floor.

S. 870

Mr. CARDIN. Mr. President, I rise in support of S. 870, the Fire Grants and Safety Act. This critically important legislation reauthorizes several important programs in the Department of Homeland Security—DHS. Specifically, the legislation reauthorizes the Federal Emergency Management Agency's—FEMA—Assistance to Firefighters Grants—AFG—grant program, the Staffing for Adequate Fire and Emergency Response—SAFER—grant program, and the U.S. Fire Administration—USFA. Without action by Congress, the authorizations for these programs will lapse in September 2024.

AFG grants help ensure that departments have the resources they need to train and equip their personnel. This includes vital personal protective equipment that firefighters and EMS personnel need to do their jobs safely.

SAFER grants help ensure departments can meet staffing requirements through hiring of firefighters and recruitment and retention activities.

I am particularly proud of the work of USFA, which is headquartered in Emmitsburg, MD. Its mission is to support and strengthen fire and emergency medical services—EMS—and stakeholders to prepare for, prevent, mitigate and respond to all hazards. USFA ensures that the fire service is prepared to respond to all hazards and is the lead Federal agency for fire data collection, public fire education, fire research, and fire service training. USFA offers classes on critical topics pertaining to emergency medical services, fire prevention, arson investigation, hazardous materials incidents, incident management, leadership and executive development, planning and information management, responder health and safety, wildland and the urban interface.

As our Nation faces increasing extreme weather events due to climate change, we can expect even stronger natural disasters to afflict our Nation, including more damaging hurricanes, tornadoes, and wildfires. Firefighters receive millions of calls each year for help beyond just fires and often respond to medical emergencies, hazardous materials spills, natural disasters, and active shooter situations. According to the National Fire Protection Association, fire killed 3,800 people and injured another 14,700 people in 2021. Property damage in 2021 reached nearly $16 billion due to fires. And America's firefighters paid the ultimate price while running toward danger; in 2021, 141 firefighters died while on duty.

The National Fallen Firefighters Foundation is located on the campus of the National Emergency Training Center in Emmitsburg, along with the USFA. Last year, I was pleased that the foundation received a nearly $1.5 million grant for its important work. USFA estimates more than 2,000 civilians died in residential fires in 2022.

Communities across Maryland regularly rely on these grant programs to help provide equipment, facilities, and training for their firefighters, whether they are career or volunteer. Indeed, many volunteer fire departments do not receive any local or municipal funds and must fundraise on their own in order to continue operating their essential and lifesaving emergency services in their communities.

In Western Maryland, just by way of one example, these grants programs provide critical funding to enhance firefighters' emergency response capabilities and their ability to protect the health and safety of the public and themselves. These grants also support the recruitment and retention of additional firefighters.

In 2022, these grants allowed Frederick County to hire full-time firefighters; Washington County to provide new portable radios for Fire and EMS departments across the county; the Borden Shaft Volunteer Fire Company No. 1 in Allegany County to purchase vehicle extrication and rescue tools; and the Community Volunteer Fire Company, Inc., of District No. 12 in Washington County to purchase a gear washer and dryer.

Indeed, according to a recent fire services coalition letter supporting this legislation: ''All across the country, local fire departments of all types and sizes do not have enough staff, training, personal protective clothing, breathing apparatus, and other equipment. The SAFER and the AFG programs help ensure fire and emergency services personnel across the country are properly trained, staffed, and equipped to protect their communities. These programs improve response capabilities across all emergency response areas—from fires to medical aid and hazardous materials response.''

A recent fire service needs assessment survey from the National Fire Protection Association noted that most small fire departments have personal protective equipment that is 10 years of age or older and that most fire departments cannot equip every firefighter with a self-contained breathing apparatus, with again much of the equipment being 10 years of age or older. That same survey noted: ''Staffing levels across job roles and functions have remained flat and weekday staffing among volunteer fire departments remains a challenge.''

I therefore urge my colleagues to support this legislation, and reauthorize these critical FEMA programs so that we give our heroic firefighters the resources, equipment, and training that they need to carry out their dangerous missions as safely as possible as they protect and serve the public.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President, I ask unanimous consent that I be permitted to speak for 2 minutes following Senator PETERS, who will speak up to 3 minutes, prior to the scheduled rollcall vote.

The PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

The Senator from Michigan.

Mr. PETERS. Madam President, in just a few moments, each of our colleagues will have the opportunity to cast their vote for a bipartisan bill that provides essential Federal resources to fire departments all across our country.

The Fire Grants and Safety Act reauthorizes two vital grant programs administered by the Federal Emergency Management Agency that provide funds to help fire departments purchase safety equipment, address staffing needs, fund fire training and education programs, and provide cancer screenings to firefighters.

The legislation also reauthorizes the U.S. Fire Administration, which works to support fire and emergency medical services as they help safeguard our communities.

Federal grants enable many firefighters, especially those in smaller and rural communities, to invest in the vehicles, equipment, or training they need to do their job safely and effectively.

I have had the opportunity to visit several fire stations across Michigan to see firsthand how they use these vital grant programs to purchase extraction tools like the Jaws of Life and up-to-date breathing equipment to keep firefighters safe on the job. Without these programs, many fire departments would simply not have the resources to afford the equipment and tools they need to protect their communities.

Now the Senate will be able to show these heroes that we have their backs by voting to pass this commonsense, bipartisan legislation.

I want to thank my cosponsors and colleagues for their support, including Senators COLLINS, CARPER, MURKOWSKI, COONS, MORAN, BOOZMAN, HEINRICH, ROUNDS, KING, SULLIVAN, TESTER, SINEMA, and KENNEDY.

By passing this critical bill, we can ensure our firefighters and first responders have what they need to continue safeguarding our communities from emergencies.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President, I would like to make two points. The first is on this great legislation. I thank Senator PETERS and the entire HSGAC Committee—Democrats and Republicans—for moving forward.

Our firefighters are the people who protect us. We need to protect them. Equipment has gotten more and more expensive to save their lives and save the lives of the people they are protecting. Yet for many smaller communities—rural, smalltown, even suburban—there is not the money to afford

this equipment. So we have stepped up to the plate.

I helped author this legislation with Senator Dodd back in 2002 to help them. We desperately need this legislation. We need it for firefighters—both paid and volunteer—around the country. But, particularly, as I said, in the smaller areas and the smaller communities where they desperately need the equipment, we have to get it done.

The second point is this: This is the second bill we have done in a very strong bipartisan way. Our colleagues came to us with a list of amendments. It wasn't dilatory. Some of them were difficult for us, but we agreed to the amendments, and in turn, our colleagues voted to move forward. This, again, is how we can run the Senate in a very good and productive way. I hope to do that in every opportunity, where we can come to agreement on amendments, move forward, and pass good legislation.

This is good and needed legislation. I hope we get an overwhelming vote for it.

VOTE ON S. 870

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN) and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted ''yea.''

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—95

Baldwin	Daines	Luján
Barrasso	Duckworth	Lummis
Bennet	Durbin	Manchin
Blackburn	Ernst	Markey
Blumenthal	Fetterman	Marshall
Booker	Fischer	McConnell
Boozman	Gillibrand	Menendez
Britt	Graham	Merkley
Brown	Grassley	Moran
Budd	Hagerty	Mullin
Cantwell	Hassan	Murkowski
Capito	Hawley	Murphy
Cardin	Heinrich	Murray
Carper	Hickenlooper	Ossoff
Casey	Hirono	Padilla
Cassidy	Hoeven	Peters
Collins	Hyde-Smith	Reed
Coons	Johnson	Ricketts
Cornyn	Kaine	Risch
Cortez Masto	Kelly	Romney
Cotton	Kennedy	Rosen
Cramer	King	Rounds
Crapo	Klobuchar	Rubio
Cruz	Lankford	Sanders
Schatz	Stabenow	Warnock
Schmitt	Sullivan	Warren
Schumer	Tester	Welch
Scott (FL)	Thune	Whitehouse
Scott (SC)	Tuberville	Wicker
Shaheen	Van Hollen	Wyden
Sinema	Vance	Young
Smith	Warner	

NAYS—2

Lee	Paul

NOT VOTING—3

Braun	Feinstein	Tillis

(Mr. PETERS assumed the Chair.)

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 95, the nays are 2.

The 60-vote threshold having been achieved, the bill is passed.

The bill (S. 870) was passed, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fire Grants and Safety Act''.

SEC. 2. REAUTHORIZATION OF THE UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (L), by striking ''and'';

(2) in subparagraph (M)—

(A) by striking ''for for'' and inserting ''for''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(N) $95,000,000 for each of fiscal years 2024 through 2030, of which $3,420,000 for each such fiscal year shall be used to carry out section 8(f).''.

SEC. 3. REAUTHORIZATION OF ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM AND THE FIRE PREVENTION AND SAFETY GRANTS PROGRAM.

(a) SUNSET.—Section 33(r) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(r)) is amended by striking ''2024'' and inserting ''2032''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 33(q)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(q)(1)(B)) is amended, in the matter preceding clause (i), by striking ''2023'' and inserting ''2030''.

SEC. 4. REAUTHORIZATION OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

(a) SUNSET.—Section 34(k) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(k)) is amended by striking ''2024'' and inserting ''2032''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 34(j)(1)(I) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(j)(1)(I)) is amended, in the matter preceding clause (i), by striking ''2023'' and inserting ''2030''.

SEC. 5. GAO AUDIT AND REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of and issue a publicly available report on barriers that prevent fire departments from accessing Federal funds.

SEC. 6. LIMITATION ON FIRE GRANT FUNDS.

Neither the Government of the People's Republic of China, nor any entity or organization operating or incorporated in the People's Republic of China, may be eligible to be a recipient or subrecipient of Federal assistance under any assistance program authorized under subsection (c) or (d) of section 33 or section 34(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

SEC. 7. GAO AUDIT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of and issue a publicly available report on the United States Fire Administration.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 64.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joshua David Jacobs, of Washington, to be Under Secretary for Benefits of the Department of Veterans Affairs.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 64, Joshua David Jacobs, of Washington, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Charles E. Schumer, Raphael G. Warnock, Ben Ray Luján, Tammy Duckworth, Jeff Merkley, Tim Kaine, Christopher A. Coons, Debbie Stabenow, Jon Tester, Sheldon Whitehouse, Tina Smith, Tammy Baldwin, Catherine Cortez Masto, Angus S. King, Jr., Mazie K. Hirono, John W. Hickenlooper, Margaret Wood Hassan.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

VA MEDICINAL CANNABIS RESEARCH ACT OF 2023—Motion to Proceed

Mr. SCHUMER. Mr. President, I move to proceed to consider Calendar No. 32, S. 326.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 32, S. 326, a bill to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 32, S. 326, a bill to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes.

Charles E. Schumer, Jon Tester, Alex Padilla, Christopher Murphy, Jeff Merkley, Michael F. Bennet, Tammy Baldwin, Richard J. Durbin, Mazie K. Hirono, Gary C. Peters, Margaret Wood Hassan, Brian Schatz, Tammy Duckworth, Catherine Cortez Masto, Cory A. Booker, Jack Reed, Raphael G. Warnock.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, April 20, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 30TH ANNIVERSARY OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. SCHUMER. Mr. President, I ask unanimous consent to recognize the 30th anniversary of the United States Holocaust Memorial Museum, and then I will say a few words about it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent the Senate proceed to consideration of S. Res. 167, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 167) recognizing the 30th anniversary of the United States Holocaust Memorial Museum.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. SCHUMER. First, I want to thank Senators CARDIN, RUBIO, and many others for introducing this legislation, this recognition.

The Holocaust Museum is an amazing place. I hope every American and every citizen in the world gets to visit it. It reminds us of one of the greatest, if not the greatest, harms ever inflicted on man, the horrible Shoah, the Holocaust, where 6 million people, 1 million children, died, were exterminated, were murdered.

Every time I go to the Holocaust Museum, something new strikes me. There is so much, so many people lost. You see the faces and the families and why they were killed—just because they were Jews. It reminds us of two things—one, to always remember. The Hebrew word is ''zakar,'' remember. If we remember those who died, we keep their flame alive, and by remembering, we will also prevent future holocausts from occurring because if we realize the horror that can occur, it will importune men and women throughout the world and throughout this country to prevent any occurrence like this and make sure it is stopped.

Second, there is an increase in anti-Semitism in America and in the world today. We must do everything we can to fight that, as we must fight all forms of bigotry. This memorial will remind us that we can never sweep things like this under the rug, that we must remember and we must fight as hard as we can to snuff out anti-Semitism and all other forms of bigotry and prevent the kind of evilness that occurred in the Holocaust from ever occurring again.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR DETERRENCE

Mr. WICKER. Today, I call on my colleagues to join me in supporting the effort to rebuild America's nuclear deterrent. For most Americans, this may seem like a relic of the Cold War, but to those of us tasked with funding our national defense, nuclear threats are not a thing of the past; nuclear threats are a present-day issue.

America successfully deterred nuclear attacks during the Cold War. Back then, we had one clear foe, but today's national security situation is the most complex we have faced since World War II. Russia, China, and North Korea are rapidly growing their nuclear stockpiles, and Iran stands on the brink of building its own arsenal. Facing multiple nuclear-armed enemies at the same time requires us to rethink how we plan to modernize our nuclear capabilities.

Let me first briefly outline the nuclear threat posed by our primary adversaries and then list four steps Congress can take in response.

In the past, the Soviet Union and the United States possessed nuclear weapons stockpiles that dwarfed China's. Beijing has set out to change that. China has so rapidly expanded its nuclear arsenal that it may be a match for our own by the end of this decade.

With breathtaking speed, China completed a nuclear triad of intercontinental ballistic missiles, long-range bombers, and ballistic missile submarines. China's pace and sophistication took us by surprise, frankly. We were slow to respond as China built hundreds of new ballistic missile silos. Then they developed a fractional orbital bombardment system—orbital. That is as startling as the name sounds. With this system, China can place a nuclear warhead into the Earth's orbit and then drop it anywhere in the world with little warning. This is a fact.

The United States and the Soviet Union negotiated away these types of weapons during the Cold War. Russia and the United States did so in part because of the extreme danger such systems posed to global stability. As Xi Jinping develops this system for China, he makes it clear that causing international instability does not keep him up at night. In fact, Xi seems to thrive on it.

The situation with Russia is hardly any better. Vladimir Putin still owns the world's largest, most modern, and most diverse nuclear arsenal and is willing to threaten the use of nuclear weapons to get what he wants. He did this to try to keep NATO from intervening as he invaded Ukraine and has repeatedly done so since then to register his displeasure with our aid to the Ukrainian people.

On their own, China and Russia represent bad news for our interests, but there is still worse news. Moscow and Beijing have decided to work together. Earlier this year, China purchased over 28 tons of highly enriched uranium from Russia. This will likely be used to produce plutonium for additional nuclear weapons.

Two other nations present significant threats to the United States. North Korea may now possess enough missiles to overwhelm our homeland missile defenses. They have expanded their nuclear forces with little pushback from the Biden administration. Worse still, Iran may be only weeks away from building its own weapons, putting regional stability and our ally Israel at grave risk. The administration has shown little resolve to thwart Iran's nuclear program before it is too late.

Surveying these nuclear threats prompts us to examine our own nuclear capabilities. When we do, we find them lacking.

The last time the United States made real investments in our nuclear arsenal was the 1980s, and almost all the nuclear forces we have today are from that decade. These systems hold together only because of the hard work of our servicemembers. The National Nuclear Security Administration's industrial capabilities for maintaining our nuclear weapons stockpile are so antiquated that they are literally falling apart. For example, the Y–12 National Security Complex in Oak Ridge, TN, is in a state of disrepair. Y–12 is a symbol of the broader issue, and the broader issue is this: Because we have not kept our nuclear capacity up to date, we are the only nuclear armed country in the world—nuclear armed country in the world—that cannot build a single new nuclear weapon.

Around 2010, the Obama administration and Congress, to their credit, agreed to begin replacing our aging nuclear forces and revitalizing our nuclear infrastructure, including programs such as the Columbia-class ballistic missile submarine, the B–21 bomber, and the Sentinel intercontinental ballistic missile. I commend the Obama administration and the Congress for doing that at the time, but I can tell you now, more than a decade later, we are still waiting for these efforts to come to fruition.

The Biden administration has seen the same news we have. We are all watching Russia fully update its arsenal. China continues its historic nuclear breakout. Yet the administration does not seem to take these threats seriously enough and does not hold anyone accountable for missing program development target dates. Instead, every single U.S. nuclear modernization program has been delayed, reduced in scope, or canceled. Amazingly, despite over $500 million in additional funds for the National Nuclear Security Administration last year to help restore our ability to build plutonium cores for our weapons, we see no real progress.

Considering the rising threats from China, Russia, North Korea, and Iran, our complacency is unacceptable. I want to commend Senator KING and Senator FISCHER on both sides of the aisle, chairman and ranking member of the Strategic Forces Subcommittee. They have led bipartisan efforts to advance our overdue modernization programs, and I applaud them for their leadership—Senator KING from Maine and Senator FISCHER from Nebraska.

Now Congress needs to come together to take even stronger actions to ensure the Department of Defense and the National Nuclear Security Administration urgently prioritizes the modernization of our nuclear forces. Specifically, I believe we should take the following steps:

First, increase investments to accelerate the building of our nuclear forces and restore the basic capabilities needed to maintain our nuclear stockpile and do this as soon as possible.

Secondly, remove regulatory barriers hindering the success of our nuclear modernization programs, and also hold the Department of Defense and the National Nuclear Security Administration leadership accountable for performance.

Third, immediately commit to expanding and diversifying our nuclear forces. An essential first step is establishing and funding a formal program to build the sea-launched cruise missile.

Fourth, reposture U.S. forces to bolster deterrence and reassure our allies in NATO and Asia of U.S. commitment to deterring Russia, China, North Korea, and Iran.

These are significant but necessary steps.

In today's world, we must deter multiple adversaries at once. That is just the reality now. This demands the preparation and investment I have just outlined.

During the Cold War, we understood what it meant to face down existential threats. We prevented nuclear conflicts then by remaining true to President Reagan's ''peace through strength'' doctrine. We would do well to return to that vision today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection.

PACIFIC ALLIES

Mr. HOEVEN. Mr. President, recently I visited—as a matter of fact, this past week I was in South Korea and Taiwan, and I just want to describe what I learned there and talk about some ideas for advancing our interests in East Asia.

The trip convinced me even more that our highest priority should be to cultivate close security and economic relationships with our fellow Democratic and free market allies and partners in the region. This is the best way to deter conflict and advance prosperity both in the United States and across the region.

Let me start by addressing security. There is no shortage of threats to peace and stability in East Asia, from Kim Jong Un's missile program to China's threats to Taiwan. And we need to do three things in response.

First, we need to work closely with our allies and partners in the region to understand what they need to enhance deterrence and improve their ability to defend themselves. In South Korea, this means deepening our 70-year alliance and focusing on new challenges. In particular, we should look closely at expanding our efforts at missile defense—missile defense—for South Korea and also for Japan.

In Taiwan, this means accelerating delivery of critical systems that Taiwan has purchased through our Foreign Military Sales Program. Right now, they have almost $19.5 billion worth of military hardware that they have ordered and they are paying for that they are waiting to receive. Think how important that is. We are talking about F–16s. We are talking about missile-to-air defense. Think about how important those things are right now in terms of Taiwan's defense and deterrence—deterring the PRC's aggressive action in the Taiwan Strait. It also means thinking creatively with Taiwan's leaders about how we can jointly develop and produce near-term capabilities that will deter Chinese aggression as well and also providing training opportunities for Taiwan's defense forces.

Second, we need to emphasize the importance of a regional strategy that links like-minded allies, partners, and friends to preserve peace and stability and support a free and open Indo-Pacific region. We have longstanding bilateral security alliances with South Korea as well as Japan, the Philippines, and other countries in the region. Right now, we are conducting military exercises with the Philippines. So we have these longstanding relationships and a longstanding defense relationship with Taiwan as well.

We need to build these alliances. These alliances support U.S. interests in the region and ensure that we are not forced to operate from North America when we seek to secure and stabilize the western Pacific because we have these allies working with us in the region. We should make every effort to turn our system of bilateral alliances into a broader network of freedom-loving people across the Indo-Pacific region.

We applaud the efforts of the Yoon government in South Korea to reach out to Japan. President Yoon was just recently in Japan to further strengthen ties between South Korea and Japan. We look forward to opportunities for trilateral relationships between South Korea, Japan, and the United States.

And we should look for other ways to work with countries in the region to deter conflict and secure the seas for trade, including interoperable military hardware, information sharing, and coordinated strategies to deter aggression and to secure stability.

Third, we need to continue efforts to modernize our forces, not because we seek a war in the Pacific but because the best path to peace is through strength. That is how we deter aggressive actors like the PRC.

When we are strong, our partners and our allies will find it easier to strengthen themselves and work with us to keep the region secure. This means we need to build advanced capabilities that allow our forces to operate at long distances and in close coordination with our allies and our partners.

It also means continuing efforts to modernize our nuclear forces, which

are foundational to our national security and which allow our allies and partners to focus on developing conventional capabilities rather than being tempted to build nuclear arsenals of their own. Our goal is deterrence, and improving the capabilities of our allies and partners, developing a regional approach to security and modernizing our own forces, that provides the best chance to avert future conflict.

In addition to security, I also want to address economic relationships in the region as well. My trip reinforced my belief that coordination with our regional allies and partners should not be limited to military cooperation. We need to maintain strong economic relationships with our East Asian friends, both because it benefits the people of the United States and because strong economic relationships in the region also enhance deterrence and support peace. So it is not just a military strategy, it is an economic strategy as well.

In particular, we ought to prioritize trade and economic resiliency. First, we should take steps to advance free-trade agreements in the region. We all know that China has a large economy and needs markets for its products, so our ability to cultivate trading relationships in East Asia not only provides an opportunity for U.S. producers and manufacturers to make money overseas by exporting their products, it also ensures that China does not dominate those local economies—and China needs those markets. So it also puts pressure on China to stop the aggressive behavior.

Fortunately, we have a bilateral free-trade agreement with South Korea right now, and it is working very well. When I first visited South Korea in 2011, we were working to complete the U.S.-South Korea Free Trade Agreement which went into force in 2012. I am pleased to say that after more than a decade, the benefits of this agreement are very clear. South Korea is our sixth largest trade partner, and of particular importance to my State, South Korea is the largest export market for U.S. beef, the second largest export for U.S. soybeans, and the fourth largest U.S. export for U.S. wheat. Taiwan was the eighth largest overall trade partner in the United States in 2022, and our seventh largest ag export market. This is a trade relationship that I worked on for almost 20 years. When I was Governor of North Dakota, I sent a trade delegation to Taiwan to open markets for North Dakota products. Today, Taiwan imports significant quantities of U.S. wheat, soybeans, and corn, much of which, again, comes from my home State of North Dakota and obviously greatly benefits ag States across America.

The United States does not have a free-trade agreement with Taiwan, but I believe this is something we should work on, both because it would enhance an already robust trading relationship with a fellow market-based economy, and it would provide additional support to Taiwan during a time of great tension with China.

Next, we should take steps to increase the economic resilience of our East Asian partners, particularly with respect to energy and food supplies.

On energy, both South Korea and Taiwan would benefit from better access to U.S. liquefied natural gas. Stable sources of LNG would help both of their economies enormously in terms of self-sufficiency. Taiwan is attempting to get 50 percent of its energy from LNG, and it will need better LNG supplies as well as an enhanced capacity to store that LNG. We should also see how we can partner with South Korea to deliver the benefits of U.S. LNG in the region as well.

On food security, it is important to note that neither South Korea nor Taiwan are likely to produce adequate supplies of food for their people because they are a limited land mass, obviously, and will remain dependent on overseas supplies for ag products. Our ag products do well in both markets, which is obviously good for our producers and brings economic stability to the people of South Korea and Taiwan. For them, secure sources of food truly contribute to their overall security and are very much a focus on what they are working on right now.

The bottom line is that we face significant challenges in East Asia, but we should not face them alone. We need to work with our allies and build this strategy of regional cooperation and regional coordination to create deterrence, not only in terms of defense but also in terms of our shared market-based economies.

We actually are celebrating the 70th anniversary of our alliance with South Korea right now, and in South Korea they refer to it as ''friends, allies, and partners for 70 years.'' And I think in a recent poll, the United States in South Korea has an approval rating of about 80 percent. Think about that. That is pretty fantastic. With the security that we have worked to provide on their economy, it has grown to be one of the largest, really, in the world.

We have maintained strong defensive ties, and we have maintained strong economic ties with Taiwan for a decade. And as I say, this is a tremendous relationship, and it shows, and we are celebrating the 70th anniversary.

And that should be instructive to us. That should be instructive to us as to what we can do with other partners in the region. Standing together with other free market democracies to defend our people and our values is key to peace and prosperity in the years and decades ahead for ourselves, for our allies in the Pacific. Standing together, we are strong. Peace and stability through strength.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Delaware.

FIRE GRANTS AND SAFETY ACT

Mr. CARPER. Mr. President, I am honored to be here on the floor with the Presiding Officer today.

I rise this afternoon to share my gratitude—and I know I speak for our Presiding Officer and every Member of this body, all 100 of us—for those who helped to ensure the passage of the Fire Grants and Safety Act through the Senate today and the weeks leading up to today.

As we all know, a bunch of us as kids, probably, like my sister and me, wanted to grow up and be firefighters. We ended up finding other ways to serve our States and communities, but, in the beginning, we wanted to be firefighters. I might add that our two sons, who are now grown and off into the world, wanted to be firefighters. Those were the role models they emulated and wanted to be more like. I think, maybe, one of the reasons why is that it is widely known that firefighters put their lives on the line for us not just occasionally or, maybe, during holidays or on weekends but every day—every day.

So, today, we honor them by passing this legislation and sending it to our colleagues in the House of Representatives. I think the final vote, if I noticed, was, I believe, 95 to 2. It is not every day we pass a bill with 95 votes. That means that just about every Democrat and every Republican in this body voted for it.

I know I hear a lot from people not just in Delaware but in other States that I have visited. People will say: Why don't you just work together? Why can't you guys and gals just work together and get something done? I would present this as a great example of what we can accomplish when we do work together.

I especially want to thank a couple of people among our colleagues whose hard work actually enabled us to work together and to pull together and to craft this bipartisan compromise.

Let me just start with our fellow Members of the Congressional Fire Services Caucus and the colleagues on this bill. They include Senator GARY PETERS, Senator LISA MURKOWSKI, Senator SUSAN COLLINS, and, the last time I checked, yours truly as well.

I also want to thank the entire Congressional Fire Services Caucus for their bipartisan work on this issue, including the chair of the Congressional Fire Services Caucus, Senator JON TESTER of Montana.

There were also many organizations that helped us better understand the needs of our firefighters, and I want to thank them too. Let me just mention them briefly, if I may: the Congressional Fire Services Institute, the International Association of Firefighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the National Fallen Firefighters Foundation, and the National Fire Protection Association. I don't think it is an exaggeration to say that we could never have done this without their hard work and their encouragement even today.

I just want to say that most of us in this body will go to bed tonight—turn

off the lights and go to sleep—and not have to worry about being awakened in the middle of the night to go out and save somebody's life. We are not going to have to be disrupted in our own families or in our own personal lives to go out and lend a hand if there has been an auto accident or a truck accident and put our lives at risk. We are not going to be drawn into a situation with a house on fire.

We had, not too long ago, in Delaware, a situation wherein firefighters literally rushed into a house that was on fire with the feeling that there were people literally in the basement of the house. The floor of the house collapsed, and we lost the lives of several firefighters.

But none of us have to worry about that—making that kind of sacrifice and undertaking those kinds of risks.

None of us will have to worry about being the young woman who was a volunteer firefighter. She worked in the healthcare field, as I recall, and was a volunteer firefighter. She worked late at night and was literally driving home on I–95 in Wilmington. It was when we were doing a reconstruction of I–95 right through the middle of our city.

There was an accident at about 3 or 4 o'clock in the morning, and the volunteer firefighter, the woman, pulled off. She stopped to provide help to those who were impacted. The volunteer firefighter was killed. She was struck by a passing vehicle and lost her life.

None of us have to worry about any of that happening and having to put ourselves or members of our families in that kind of jeopardy.

The reason is that there are literally tens of thousands of people from all corners of this country—all different sizes and colors, men, women, young, and old—who understand that we all have an obligation to serve and look out for other people even when it puts us in danger and at risk with our own lives.

So, in passing this legislation—and it goes to the House of Representatives now; it is not a done deal—our hope is that the House of Representatives will see fit to embrace it and pass it and send it on to the President.

I presume that most Presidents—and I have had the privilege to have known quite a few of them—have great affection for the firefighters in their own States, where they come from. Nobody has greater affection in Delaware than does our President. He and I and Chris Coons, as well as Mike Castle and Pete du Pont, who came before us, share that affection and that high, high regard.

I heard our President, when he was a mere Senator, say that there are actually three political parties in Delaware. One of those is Democrat; one is Republican; and the other is of the folks who are the firefighters and their families. They stand out in the crowd.

I will just close with this.

I have asked people why they are willing to put their lives in danger to help save our lives and the lives of others who are in jeopardy. I have heard from hundreds of men and women who have said that the reason they do it is that it gives them joy. It gives them joy to know that they are making a difference with their lives and that they are serving other people.

One or two, every now and then, will actually invoke the Golden Rule: to treat other people the way you want to be treated. How would I want to be treated if my house were on fire? How would I want to be treated if my son or my daughter were in a traffic accident? If there were a forest fire surrounding our community, how would I want to be treated? Well, that is the way I would like to be; so why don't I treat other people the same way.

With that, this has been a good week, and we are ending here on a very high note. I want to thank the Presiding Officer for all of his good work. It has been a pleasure working with him this week and every week. To the neighbor right across the Delaware River, I am looking forward to many, many happy trails in the days to come.

We have these young pages who are sitting down here at the foot of the Presiding Officer and the floor staff. I don't know if any of them, when they were little kids, had the desire to be a firefighter. My guess is—actually, some of them are nodding their heads that, yes, they did. Hopefully, we will never outgrow the spirit that compels and encourages people to stand up and play the role of a firefighter whether it is in the middle of the night with a fire or an accident or whatever it might be. Hopefully, their example and that spirit will be contagious and infect all of us in a very, very good way.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

VOTE EXPLANATION

Mr. DURBIN. Mr. President, I was necessarily absent for rollcall vote No. 2, on adoption of the Van Hollen amendment to provide grants fire station construction through the Administrator of the Federal Emergency Management Agency, 85. Had I been present for the vote, I would have voted yea.

24TH ANNIVERSARY OF THE COLUMBINE MASSACRE

Mr. DURBIN. Mr. President, 24 years ago today, tragedy struck Littleton, CO. It was a day that began like any other but—in a matter of hours—would scar our Nation forever.

Today, the word ''Columbine'' is synonymous with an act of terror that every parent fears: school shootings. If you had told me 24 years ago that the scenes we witnessed that morning—students and teachers being shot down, traumatized children being escorted out of classrooms by armed officers, if you told me this would become a common—almost weekly—occurrence in America, I wouldn't have believed you.

But here we are. In the years since Columbine, hundreds of American students have died—or been injured—in school shootings, and thousands more have been traumatized. Gunfire has become the No. 1 cause of death for our Nation's children. And one in five Americans now say they have lost a loved one to gun violence. Some politicians have resigned themselves to the idea that this is just part of American life we must accept. Shame on them. This is a uniquely American crisis—and lawmakers have the power to resolve it.

Yet Republicans in Congress actually want to take steps backwards. We are seeing that in the House right now, where the MAGA majority is trying to wipe off the books a gun law restricting braces that turn pistols into short-barreled rifles. This is the kind of weapon that was carried by the mass shooters in Dayton, OH; Boulder, CO; and just a few weeks ago at a school shooting in Nashville, TN. Parents shouldn't have to worry that, when they send their kids to school, they may not return home. Children shouldn't be forced to live with the fear that their classroom could be the next target.

People of all political stripes are calling on Congress to act. Let's start by keeping assault weapons and short-barreled rifles off of our streets and out of our classrooms.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21–34 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Turkey for defense articles and services estimated to cost $259 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 21–34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Turkey.

(ii) Total Estimated Value:

Major Defense Equipment* $0 million.

Other $259 million.

Total $259 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

None

Non-MDE: The Government of Turkey has requested to buy defense articles and services to support upgrading its fleet of F–16 aircraft, to include software upgrades of the Operational Flight Program (OFP) avionics with the Automatic Ground Collision Avoidance System (AGCAS) capability; hardware modifications to enable integration of the Multifunctional Information Distribution System Block Upgrade II (MIDS BU II), procured separately; hardware and software upgrades to include aircraft major modification; both classified and unclassified software and software support; integration and test support; support equipment; training and training equipment; spare and repair parts; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistical support services; and other related elements of logistical and program support.

(iv) Military Department: Air Force (TK–D–VAL).

(v) Prior Related Cases, if any: TK–P–LKT, TK–D–SFA, TK–D–SLA, TK–D–SMB, TK–D–NCU.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: April 17, 2023.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Turkey—F–16 Avionics Upgrade

The Government of Turkey has requested to buy defense articles and services to support upgrading its fleet of F–16 aircraft, to include software upgrades of the Operational Flight Program (OFP) avionics with the Automatic Ground Collision Avoidance System (AGCAS) capability; hardware modifications to enable integration of the Multifunctional Information Distribution System Block Upgrade II (MIDS BU II), procured separately; hardware and software upgrades to include aircraft major modification; both classified and unclassified software and software support; integration and test support; support equipment; training and training equipment; spare and repair parts; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistical support services; and other related elements of logistical and program support. The estimated total cost is $259 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally that is an important force for political stability and economic progress in the Black Sea region.

The proposed sale will improve Turkey's capability to meet current and future threats by providing a critical flight safety and tactical integration capability to assist in defending its homeland and U.S. personnel stationed there. Turkey has demonstrated a willingness to modernize its F–16 capabilities since it purchased the aircraft in the mid-1980s, and will have no difficulty absorbing these capabilities into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Aeronautics Company of Fort Worth, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of U.S. Government or contractor representatives in Turkey.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 21–34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Automatic Ground Collision Avoidance System capability is used as a flight safety mitigation tool in order to reduce incidents of controlled flight into terrain and ground collisions, which account for seventy-five percent of F–16 pilot fatalities worldwide. The system consists of a series of collision avoidance and autonomous decision-making algorithms that utilize precise navigation, aircraft performance, and digital terrain data to determine if a collision is imminent. If the system determines a collision is imminent, the system commands an autonomous maneuver to prevent impact, although the pilot may override this functionality.

2. The highest level of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Turkey.

CERTIFICATION PURSUANT TO §620C(d) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163 and State Department Delegation of Authority No. 245–2, I hereby certify that the furnishing to Turkey of defense articles and services to support upgrading F–16 aircraft is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation.

NATIONAL RENDERING DAY

Mr. BOOZMAN. Mr. President, I rise today in recognition of National Rendering Day.

As ranking member of the Senate Agriculture Committee and a voice for Arkansas farmers and ranchers, I have seen firsthand their dedication to producing the most affordable, abundant, and safe supply of food in the world. That responsibility extends beyond the farm, with rendering playing a critical role in ensuring we can meet the growing global demand for food, feed, and fuel.

U.S. renderers contribute $10 billion in annual economic activity. These include many small businesses which are the backbones of our economy. Utilizing innovative technologies and a highly skilled workforce, renderers reclaim otherwise wasted animal material such as protein, bone, and fat, as well as used cooking oil from restaurants.

For hundreds of years, renderers have been upcycling the unused materials into higher-value applications including pet food, biofuels, soaps, gels, and candles in addition to fertilizer. By reducing the amount of waste sent to landfills, rendering makes our food production footprint smaller and helps minimize the environmental impacts of animal agriculture and food production.

In Arkansas, there are many successful rendering companies, and I am grateful for the jobs they create and their proficiency in generating useful products for consumers. We celebrate the inaugural National Rendering Day on April 21 and recognize the countless contributions of the industry to protecting the environment, delivering sustainable solutions, and growing the economy. I am pleased to join this special acknowledgment to help bring awareness to reducing and eliminating food waste through rendering and promote rendered products as a sustainable choice for our planet.

TRIBUTE TO JIMMY STRINGER

Mrs. HYDE-SMITH. Mr. President, I am pleased to commend Jimmy Stringer, a dedicated member of my personal staff who left my office recently to return to my home State of Mississippi. Jimmy merits commendation for his contributions and dedicated service throughout his role in public service, as well as a member of my personal office staff.

A native of Madison, MS, Jimmy earned his bachelor's degree from Mississippi State University. Jimmy's

humble beginnings in the U.S. Government started as an intern for the late Senator Cochran, my predecessor.

Following that, Jimmy's career turned to the Pentagon, where he supported the Air Force in its day-to-day operations. His outstanding service there earned him the Secretary of the Air Force Technical and Analytical Support Top Performer Award.

After 2 years at the Pentagon, Jimmy decided to focus his service closer to home, accepting an opportunity to serve as military legislative assistant in the office of Congressman Gregg Harper of Mississippi.

Jimmy's service in the House of Representatives led him to the U.S. Senate, where he became the military legislative assistant for my office, where he excelled and eventually earned the additional title and responsibilities of deputy legislative director.

Jimmy's contributions throughout his tenure in public service have been truly invaluable to the legislative and administrative functions of my office, and his insightful input will be missed.

I, along with the rest of my office, have benefited from Jimmy's knowledge, experience, and leadership.

Anyone who has had the opportunity to meet and visit with Jimmy would agree he is a hard-working, courteous, and intelligent young man.

Jimmy's strong sense of responsibility, good judgment, and a pleasant demeanor set him apart as a leader in our office and proved time and time again to be an asset for the people of Mississippi.

In fact, Jimmy has always put Mississippi first. No matter the situation or how high the stakes, the needs of the State came first. While many have been caught up in the demands of Washington, DC, politics, Jimmy's focus has always remained hundreds of miles south of the beltway. Mississippians knew if they had a problem, Jimmy Stringer would help them find a solution.

Mississippi and our Nation have been well-served by the diligence, dedication, and commitment to excellence Jimmy Stringer provided on a daily basis. He has put forth his best efforts to reflect credit on our military, the House of Representatives, my State, and the U.S. Senate.

I will miss Jimmy's astute counsel. He has my appreciation and gratitude for the notable job he has done throughout his time here in Washington, especially within my office.

I wish Jimmy, his wonderful wife Frances, and beautiful daughter Price God's continued blessings and all the best in their future endeavors.

ADDITIONAL STATEMENTS

RECOGNIZING SCHUMACHER ELEVATOR COMPANY

● Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Schumacher Elevator Company of Denver, IA, as the Senate Small Business of the Week.

The company was founded by William and Bertha Schumacher in 1936 under the name Wm. Schumacher & Sons. That same year, William built the Schumacher Machine Shop in Denver, IA. With his son Elmer, they designed, built, and installed a custom lift for feed bags for a chicken hatchery in Waverly, IA. In the beginning of the company's history, they sold and manufactured many different types of elevators including lifting platforms, dumbwaiters, and freight elevators. In 1966, Elmer's son Marvin ''Marv'' joined the company as president and began to include passenger elevators in their line of products. A fourth generation of Schumacher, Jeff, joined the company in 1993 as the CFO and vice president of sales and administration. Jeff now serves as the CEO, and his parents Marv and Helen serve as the president and vice president of administration, respectively. Today, the company has enjoyed immense success and currently employs over 250 highly trained individuals throughout the Midwest and strives to be a premier independent elevator company in the United States.

Schumacher Elevator Company currently manufactures and sells hydraulic, traction, personal, and manlift elevators while also providing installation, maintenance, and testing services. They also make custom elevators for customers, and they have the expertise to install elevators for new construction projects, modernize old elevator systems, repair broken elevators, and do preventative maintenance. In addition to quality, Schumacher Elevator Company is fast. The team can create an elevator from raw materials to a finished product just in 1 week.

Schumacher Elevator Company is a staple of the Denver community. They offer two scholarships for students at the Denver High School: One is for a student that goes into the healthcare industry, and the other is for a student that goes into a technology field of study. In addition to this, the Marvin and Helen Schumacher Family Fund engages in philanthropic efforts throughout Iowa. The company encourages their employees to give back to the community, as well. Last December, a group of employees made a generous donation to the Northeast Iowa Food Bank that provided 4,000 meals to Iowans in need.

Schumacher Elevator Company's commitment to being trailblazers in the elevator industry is clear. In 87 years, the Schumacher family has been able to provide the highest quality elevators to satisfied clients globally. I want to congratulate the entire team at Schumacher Elevator Company and commend them for their dedication to excellence in their work both locally in Iowa and around the world. I look forward to seeing their continued growth and success in Iowa.●

TRIBUTE TO CAPTAIN JOHN H. CALLAHAN

● Mr. SCOTT of Florida. Mr. President, CAPT John Callahan is a native of Tampa, FL, and presently assigned to Naval Medical Readiness and Training Command Pensacola, FL.

He began his career by enlisting in October 1982 and completing Navy Boot Camp, Great Lakes, IL; Fleet Marine Force Training, Camp Pendleton, CA; and, Preventive Medicine Technician School, Oakland, CA.

His enlisted assignments include Naval Hospital Pensacola, Naval Mobile Construction Battalion 133, and Disease Vector Ecology Control Center Jacksonville, FL. His enlisted deployments include U.S.S. *Lexington*; U.S.S. *Ashland*; Rota, Spain; Okinawa, Japan; Pohang, South Korea; and, Subic Bay, Philippines.

In 1995, he was promoted to chief petty officer, a significant highlight of his enlisted career. After selection to the Medical Service Corps In-Service Procurement Program, he completed the Tri-Service Physician Assistant Program, graduating magna cum laude George Washington University bachelor of science, resulting in commission as an ensign in 1998. In 2004, he was awarded the master of physician assistant studies, family medicine, from the University of Nebraska, graduating summa cum laude.

His officer assignments include Naval Hospital Puerto Rico; Naval Branch Medical Clinic Meridian, MS; Naval Branch Medical Clinic Indian Head, MD; Naval Branch Medical Clinic Naval Air Station, Pensacola; Naval Branch Medical Clinic Naval Air Technical Training Center, Pensacola; Naval Hospital Pensacola; and Naval Hospital Rota Spain. In addition, while leading Medium Medical Team No. 5, he recently provided extended COVID relief and support for Billings Clinic in Montana and Bellin Clinic in Green Bay, WI. His commissioned deployments include Al Anbar Province, Iraq; Djibouti, Africa; Combined Forces Special Operations Command—Forward, Qatar; and Combined Task Force 53, Bahrain.

He is the only hand-selected physician assistant to serve upon special joint congressional details—State of the Union 2006, State of the Union 2008, Presidential Inauguration 2009, State of the Union 2010, Presidential Inauguration 2013, and State of the Union 2023. Interim dates of special joint congressional details were precluded due to operational service obligations.

In 2019, he was selected for captain, a significant achievement of his naval career. His military decorations include the Defense Meritorious Service Medal, Meritorious Service Medal (3 awards), Navy and Marine Corps Commendation Medal (6 awards), Navy and

Marine Corps Achievement Medal (5 awards), and various other personal and unit awards.

His military career has been successful due to the confidence and support of Melonie, his wife and best friend of 30 years. He also has two supportive sons, who are both Eagle Scouts—Caleb and Zachary. Captain Callahan was awarded his Eagle Scout in 1982, 7 months prior to his initial enlistment.

As a Navy veteran and the son of a World War II veteran, I know firsthand the sacrifices made by our brave men and women in uniform and their families. Today, we honor CAPT John Callahan who willingly risked his life to protect our freedoms and fight for our God-given rights. For that, we owe him endless gratitude.

Thank you for your service, and may God bless you.●

MESSSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Kelly, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:44 a.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1149. An act to establish certain reporting and other requirements relating to telecommunications equipment and services produced or provided by certain entities, and for other purposes.

H.J. Res. 42. Joint resolution disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022.

MEASURES REFERRED

The following bill and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1149. An act to establish certain reporting and other requirements relating to telecommunications equipment and services produced or provided by certain entities, and for other purposes; to the Committee on Foreign Relations.

H.J. Res. 42. Joint resolution disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1069. A communication from the Associate Administrator, Specialty Crops Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Harmonized Tariff Schedule Numbers for the Paper and Paper-Based Packaging Products'' (Docket No. AMS–SC–22–0050) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1070. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Pesticide Tolerances'' (FRL No. 10769–01–OCSPP) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1071. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trinexapac-ethyl; Pesticide Tolerances'' (FRL No. 10792–01–OCSPP) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1072. A communication from the Director of the Regulations Management Division, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Notice of Solicitation of Applications for the Rural Energy for America Program for Fiscal Years 2023 and 2024'' received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1073. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Deltamethrin; Pesticide Tolerances'' (FRL No. 10568–01–OCSPP) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1074. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethalfluralin; Pesticide Tolerances'' (FRL No. 10449–01–OCSPP) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1075. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetophenone; Exemption From the Requirement of a Tolerance'' (FRL No. 10822–01–OCSPP) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1076. A communication from the Director of the Regulations Development Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Establishing a Uniform Time Period Requirement and Clarifying Related Procedures for the Filing of Appeals of Agency Inspection Decisions or Actions'' (RIN0583–AD76) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1077. A communication from the Director of the Regulations Development Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Prior Label Approval System: Expansion of Generic Label Approval'' (RIN0583–AD78) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1078. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1079. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense's annual report on the consolidated financial statement audit for fiscal year 2022; to the Committee on Armed Services.

EC–1080. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; Implementation'' (RIN0790–AL44) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Armed Services.

EC–1081. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Noncommercial Computer Software'' (RIN0750–AK87) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Armed Services.

EC–1082. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Use of Supplier Performance Risk System (SPRS) Assessments'' (RIN0750–AK44) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Armed Services.

EC–1083. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Administration Office Functions Relating to Direct Costs'' (RIN0750–AL69) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Armed Services.

EC–1084. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ground and Flight Risk'' (RIN0750–AL13) received in the Office of the President of the Senate on April 17, 2023; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. DURBIN for the Committee on the Judiciary.

Michael Farbiarz, of New Jersey, to be United States District Judge for the District of New Jersey.

Robert Kirsch, of New Jersey, to be United States District Judge for the District of New Jersey.

Orelia Eleta Merchant, of New York, to be United States District Judge for the Eastern District of New York.

Jeffrey Irvine Cummings, of Illinois, to be United States District Judge for the Northern District of Illinois.

LaShonda A. Hunt, of Illinois, to be United States District Judge for the Northern District of Illinois.

Monica Ramirez Almadani, of California, to be United States District Judge for the Central District of California.

Wesley L. Hsu, of California, to be United States District Judge for the Central District of California.

William R. Hart, of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

Todd Gee, of the District of Columbia, to be United States Attorney for the Southern District of Mississippi for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CORTEZ MASTO (for herself and Mr. MORAN):

S. 1221. A bill to require the Administrator of the Small Business Administration to provide awards to recognize State and local governments that improve the process of forming a new business, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. CORTEZ MASTO (for herself and Mrs. BLACKBURN):

S. 1222. A bill to require the Administrator of the Small Business Administration to encourage entrepreneurship training in after school programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. GRASSLEY (for himself, Mr. HAWLEY, Mr. COTTON, Mr. KENNEDY, Mr. TILLIS, Mrs. CAPITO, Mr. CASSIDY, Ms. COLLINS, Mr. CRAMER, Mr. CRAPO, Mrs. FISCHER, Mr. LANKFORD, Mr. MCCONNELL, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. BOOZMAN, and Mrs. BLACKBURN):

S. 1223. A bill to improve certain criminal provisions; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. MARSHALL, Mr. MORAN, and Mr. HICKENLOOPER):

S. 1224. A bill to amend the Food Security Act of 1985 to modify the conservation reserve enhancement program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRUZ (for himself, Mr. BRAUN, and Mr. HAGERTY):

S. 1225. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. CRUZ (for himself and Mr. BRAUN):

S. 1226. A bill to amend the Internal Revenue Code of 1986 to make permanent the individual tax provisions of the tax reform law, and for other purposes; to the Committee on Finance.

By Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. WICKER, and Mr. SCHATZ):

S. 1227. A bill to combat illegal, unreported, and unregulated fishing at its sources globally; to the Committee on Commerce, Science, and Transportation.

By Ms. HASSAN (for herself and Ms. ERNST):

S. 1228. A bill to amend title 31, United States Code, to save Federal funds by authorizing changes to the composition of circulating coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY (for himself, Mr. MERKLEY, Mr. SANDERS, and Ms. WARREN):

S. 1229. A bill to establish a Green New Deal for Health to prepare and empower the health care sector to protect the health and wellbeing of our workers, our communities, and our planet in the face of the climate crisis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BLACKBURN (for herself, Mr. COTTON, Mr. BLUMENTHAL, Mr. CORNYN, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. CARDIN, Ms. WARREN, and Mr. SCOTT of Florida):

S. 1230. A bill to award a Congressional Gold Medal to Master Sergeant Roderick ''Roddie'' Edmonds in recognition of his heroic actions during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Ms. WARREN, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. SANDERS, Mr. WELCH, Mr. BLUMENTHAL, Mr. WARNER, Ms. HIRONO, Mr. WYDEN, Mr. BOOKER, Mr. MARKEY, Mrs. MURRAY, and Ms. CORTEZ MASTO):

S. 1231. A bill to prohibit disinformation in the advertising of abortion services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CAPITO (for herself and Ms. SINEMA):

S. 1232. A bill to amend the Internal Revenue Code of 1986 to permanently extend the allowance for depreciation, amortization, or depletion for purposes of determining the income limitation on the deduction for business interest; to the Committee on Finance.

By Mr. BOOKER (for himself and Mrs. CAPITO):

S. 1233. A bill to amend the Consolidated Farm and Rural Development Act to modify provisions relating to rural decentralized water systems grants; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCOTT of Florida (for himself, Mr. SULLIVAN, Mr. MORAN, Mr. LEE, Mr. THUNE, Mr. WICKER, Mr. YOUNG, Mrs. BLACKBURN, and Mr. JOHNSON):

S. 1234. A bill to apply the Freedom of Information Act to actions and decisions of the Assistant Secretary of Commerce for Communications and Information in carrying out the Broadband Equity, Access, and Deployment Program; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mrs. FEINSTEIN, Mr. SULLIVAN, Ms. HASSAN, and Ms. BALDWIN):

S. 1235. A bill to establish an awareness campaign related to the lethality of fentanyl and fentanyl-contaminated drugs, to establish a Federal Interagency Work Group on Fentanyl Contamination of Illegal Drugs, and to provide community based coalition enhancement grants to mitigate the effects of drug misuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 1236. A bill to add suicide prevention resources to school identification cards; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ERNST (for herself, Mr. TESTER, Mr. GRASSLEY, Ms. LUMMIS, Mr. RICKETTS, Mr. MORAN, and Mr. BRAUN):

S. 1237. A bill to restore the exemption of family farms and small businesses from the definition of assets under title IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELCH (for himself, Mr. BRAUN, and Ms. HASSAN):

S. 1238. A bill to amend the Plant Protection Act for purposes of mitigating the threat of invasive species, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself, Ms. COLLINS, and Mr. MERKLEY):

S. 1239. A bill to promote environmental literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RISCH (for himself and Mr. MENENDEZ):

S. 1240. A bill to modify the requirements for candidate countries under the Millennium Challenge Act of 2003, and for other purposes; to the Committee on Foreign Relations.

By Ms. ROSEN (for herself and Mr. ROUNDS):

S. 1241. A bill to enhance and expand cooperation between the Department of Defense and the Government of Taiwan; to the Committee on Foreign Relations.

By Mr. COTTON (for himself, Mr. RUBIO, Mr. VANCE, and Mr. HAGERTY):

S. 1242. A bill to exclude critical minerals that were extracted or processed in certain countries that are providing insufficient levels of assistance to Ukraine from being included for purposes of determining the amount of the clean vehicle tax credit; to the Committee on Finance.

By Mr. CORNYN:

S. 1243. A bill to amend the Internal Revenue Code of 1986 to modify the exclusion for gain from qualified small business stock; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. CASSIDY, Mr. DAINES, Ms. LUMMIS, Mr. RICKETTS, and Mr. ROUNDS):

S. 1244. A bill to amend the Internal Revenue Code of 1986 to prevent double dipping between tax credits and grants or loans for clean vehicle manufacturers; to the Committee on Finance.

By Mrs. FISCHER (for herself and Mr. HICKENLOOPER):

S. 1245. A bill to transfer unobligated balances made available for COVID–19 emergency response and relief to the Federal Communications Commission to enable the Commission to carry out the Secure and Trusted Communications Networks Reimbursement Program; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. WELCH, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. MERKLEY, Ms. STABENOW, Mr. REED, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. KING, Ms. CANTWELL, Mrs. SHAHEEN, Ms. BALDWIN, Mr. DURBIN, Mr. BROWN, Mr. BOOKER, Ms. SMITH, Ms. WARREN, Mrs. MURRAY, Mr. CARDIN, Ms. DUCKWORTH, and Mr. MARKEY):

S. 1246. A bill to amend title XVIII of the Social Security Act to strengthen the drug pricing reforms in the Inflation Reduction Act; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. BOOKER, Mr. LEE, Ms. KLOBUCHAR, and Mr. PAUL):

S. 1247. A bill to amend the First Step Act of 2018 to permit defendants convicted of certain offenses to be eligible for reduced sentences, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CRAMER, Mr. BOOKER, Mr. WICKER, Mr. BROWN, and Mr. COONS):

S. 1248. A bill to expand eligibility for and provide judicial review for the Elderly Home Detention Pilot Program, and make other technical corrections; to the Committee on the Judiciary.

By Mr. SCOTT of South Carolina (for himself, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COTTON, Mr. CRAPO, Ms. LUMMIS, and Mr. RISCH):

S. 1249. A bill to amend the Internal Revenue Code of 1986 to modify the procedural rules for penalties; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. KING, Mr. BRAUN, Mr. BLUMENTHAL, Mr. VANCE, and Ms. BALDWIN):

S. 1250. A bill to amend title XI of the Social Security Act to require that direct-to-consumer advertisements for drugs and biologicals include an appropriate disclosure of pricing information; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. BOOKER, Mr. OSSOFF, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. WICKER, Ms. LUMMIS, and Mr. BROWN):

S. 1251. A bill to reform sentencing laws and correctional institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 1252. A bill to support the human rights of Uyghurs and members of other ethnic groups residing primarily in the Xinjiang Uyghur Autonomous Region and safeguard their distinct civilization and identity, and for other purposes; to the Committee on Foreign Relations.

By Mr. PETERS (for himself and Mr. CORNYN):

S. 1253. A bill to increase the number of U.S. Customs and Border Protection Customs and Border Protection officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY:

S. 1254. A bill to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself and Mr. VANCE):

S. 1255. A bill to amend title 49, United States Code, to include a public airport in use by an air reserve station as a primary airport; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 165. A resolution recognizing the work of Federal law enforcement agencies, condemning calls to ''defund'' the Department of Justice and the Federal Bureau of Investigation, and rejecting partisan attempts to degrade public trust in law enforcement agencies; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Mrs. BLACKBURN, Mr. SULLIVAN, Mr. BUDD, Ms. LUMMIS, Mrs. CAPITO, Mr. WICKER, Mr. RUBIO, Mr. VANCE, Mrs. HYDE-SMITH, Mr. TILLIS, Mr. YOUNG, Mr. KENNEDY, Mr. JOHNSON, and Mr. SCOTT of Florida):

S. Res. 166. A resolution honoring the efforts of the Coast Guard for excellence in maritime border security; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. RUBIO, Ms. ROSEN, and Mr. SCOTT of South Carolina):

S. Res. 167. A resolution recognizing the 30th anniversary of the United States Holocaust Memorial Museum; considered and agreed to.

By Mr. RUBIO (for himself, Mr. CRUZ, and Mr. SCOTT of Florida):

S. Res. 168. A resolution commemorating the 62nd anniversary of the Bay of Pigs operation and remembering the members of Brigada de Asalto 2506 (Assault Brigade 2506); to the Committee on Foreign Relations.

By Mr. MARSHALL (for himself, Mr. BRAUN, Mr. CRAPO, Mr. CRUZ, Mr. HAWLEY, Mr. RISCH, Mr. SCOTT of Florida, Mr. SCHMITT, Mr. JOHNSON, Ms. LUMMIS, Mr. LEE, Mr. RUBIO, Mr. VANCE, Mrs. BLACKBURN, and Mr. BUDD):

S. Res. 169. A resolution expressing the sense of the Senate that Secretary of Homeland Security Alejandro Nicholas Mayorkas does not have the confidence of the Senate or of the American people to faithfully carry out the duties of his office; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 106

At the request of Ms. BALDWIN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 106, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants to States to improve outreach to veterans, and for other purposes.

S. 133

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 133, a bill to extend the National Alzheimer's Project.

S. 141

At the request of Mr. MORAN, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 141, a bill to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

S. 176

At the request of Mr. KING, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 176, a bill to amend the Agricultural Trade Act of 1978 to extend and expand the Market Access Program and the Foreign Market Development Cooperator Program.

S. 204

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 204, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 305

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 305, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the United States Marine Corps, and to support programs at the Marine Corps Heritage Center.

S. 341

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to exclude certain broadband grants from gross income.

S. 374

At the request of Ms. ERNST, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 374, a bill to prohibit the international hindering of immigration, border, and customs controls, and for other purposes.

S. 569

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 569, a bill to amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program.

S. 626

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 626, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 637

At the request of Mr. SCHATZ, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 637, a bill to amend the Fair Labor Standards Act of 1938 to apply child labor laws to independent contractors, increase penalties for child labor law violations, and for other purposes.

S. 652

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 652, a bill to amend the Employee Retirement Income Security Act of 1974 to require a group health plan or health insurance coverage offered in connection with such a plan to provide an exceptions process for any medication step therapy protocol, and for other purposes.

S. 761

At the request of Mr. COTTON, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 761, a bill to combat forced organ harvesting and trafficking in persons for

purposes of the removal of organs, and for other purposes.

S. 777

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 777, a bill to increase, effective as of December 1, 2023, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 799

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 799, a bill to amend title XVIII of the Social Security Act to provide Medicare coverage for all physicians' services furnished by doctors of chiropractic within the scope of their license, and for other purposes.

S. 912

At the request of Mr. BARRASSO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 912, a bill to require the Secretary of Energy to provide technology grants to strengthen domestic mining education, and for other purposes.

S. 991

At the request of Mrs. BLACKBURN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 991, a bill to amend the National Labor Relations Act to reform the National Labor Relations Board, the Office of the General Counsel, and the process for appellate review, and for other purposes.

S. 993

At the request of Ms. CORTEZ MASTO, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 993, a bill to prohibit certain uses of xylazine, and for other purposes.

S. 1020

At the request of Ms. SMITH, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. 1020, a bill to require the Administrator of the Economic Research Service to conduct research on consolidation and concentration in the livestock industry, and for other purposes.

S. 1079

At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1079, a bill to amend the Consolidated Farm and Rural Development Act to provide additional assistance to rural water, wastewater, and waste disposal systems, and for other purposes.

S. 1119

At the request of Mr. BROWN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 1119, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 1121

At the request of Mr. SCOTT of Florida, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 1121, a bill to establish Department of Homeland Security funding restrictions on institutions of higher education that have a relationship with Confucius Institutes, and for other purposes.

S. 1170

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. OSSOFF) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 1170, a bill to reauthorize and update the Project Safe Childhood program, and for other purposes.

S. 1185

At the request of Mr. DAINES, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Alabama (Mrs. BRITT) were added as cosponsors of S. 1185, a bill to prohibit the Secretary of the Interior and the Secretary of Agriculture from prohibiting the use of lead ammunition or tackle on certain Federal land or water under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.

S. 1201

At the request of Mr. SCOTT of South Carolina, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. WICKER), the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1201, a bill to reform the labor laws of the United States, and for other purposes.

S.J. RES. 24

At the request of Mr. MULLIN, the names of the Senator from Alabama (Mr. TUBERVILLE), the Senator from Alabama (Mrs. BRITT) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S.J. Res. 24, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to ''Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat''.

S. CON. RES. 7

At the request of Mr. CARDIN, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 7, a concurrent resolution condemning Russia's unjust and arbitrary detention of Russian opposition leader Vladimir Kara-Murza who has stood up in defense of democracy, the rule of law, and free and fair elections in Russia.

S. RES. 144

At the request of Mr. MARKEY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. Res. 144, a resolution recognizing that it is the duty of the Federal Government to develop and implement a Transgender Bill of Rights to protect and codify the rights of transgender and nonbinary people under the law and ensure their access to medical care, shelter, safety, and economic safety.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Ms. COLLINS, and Mr. MERKLEY):

S. 1239. A bill to promote environmental literacy; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Madam President, today, I am introducing important environmental literacy legislation, the No Child Left Inside Act, along with Senator COLLINS and Senator MERKLEY and Congressman SARBANES. Our bipartisan, bicameral bill focuses on the fundamental goal of public education, which is to equip the next generation with the knowledge, skills, and experiences to understand the world around them and their ability to shape it. In the face of a global climate crisis, it is essential that all students graduate with environmental literacy skills to secure and sustain their future.

Environmental education provides broad benefits. It has been shown to enhance student achievement in science and other core subjects and to increase student engagement and critical thinking skills. Moreover, it promotes healthy lifestyles by encouraging kids to get outside.

Yet, environmental education often gets crowded out of the school day. In a Rhode Island Environmental Education Association survey, teachers identified challenges to integrating environmental education into an already crowded curriculum and ranked professional development as most helpful to remedying the situation. Some of the practices put in place in response to the COVID–19 pandemic have shown real promise. As the pandemic took hold, Rhode Island's environmental educators sprang into action, creating outdoor learning support opportunities and virtual programs for students as they did school from home. We need to build on these successes and build stronger connections between environmental education organizations and our public schools. That is what the No Child Left Inside Act aims to do.

The No Child Left Inside Act establishes a new grant program to support States in the development and implementation of environmental literacy plans to integrate environmental education and field experiences into the core academic program in public schools, with an emphasis on professional development in environmental education for teachers. With this funding, States will provide grants for partnerships between school districts and

parks, natural resource management agencies, educator preparation programs, museums, or other organizations with expertise in engaging young people with real world examples of environmental and scientific concepts. The legislation also establishes a pilot program for outdoor school education programs that offer intensive, hands-on learning experiences, such as residential programs and summer camps.

The No Child Left Inside Act will also help coordinate Federal efforts on environmental education. It requires the Secretary of Education to establish an environmental literacy advisory panel to coordinate and report on environmental literacy activities across Federal Agencies. It also will provide easy access to environmental education resources through the Department of Education's website.

The No Child Left Inside Act has the support of nearly 100 organizations, representing educators, parks, museums, environmental organizations, and community-based organizations at the national, State, and local levels. They stand ready and willing to partner with schools across the Nation. The Federal Government should be a partner too. That is why I urge my colleagues to join me in cosponsoring and passing the No Child Left Inside Act.

By Mr. THUNE (for himself, Mr. CASSIDY, Mr. DAINES, Ms. LUMMIS, Mr. RICKETTS, and Mr. ROUNDS):

S. 1244. A bill to amend the Internal Revenue Code of 1986 to prevent double dipping between tax credits and grants or loans for clean vehicle manufacturers; to the Committee on Finance.

Mr. THUNE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ending Duplicative Subsidies for Electric Vehicles Act''

SEC. 2. COORDINATION OF ELECTRIC VEHICLE CREDITS WITH OTHER SUBSIDIES.

(a) IN GENERAL.—Section 30D(d)(3) of the Internal Revenue Code of 1986, as amended by Public Law 117–169, is amended by adding at the end the following new sentence: ''Such term shall not include any person who has received a loan under section 136(d) of the Energy Independence and Security Act of 2007, a loan guarantee under section 1703 of the Energy Policy Act of 2005 with respect to a project described in section 1703(b)(8) of such Act, or a grant under section 50143 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' for the taxable year in which the new clean vehicle is placed in service or any prior taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. BOOKER, Mr. LEE, Ms. KLOBUCHAR, and Mr. PAUL):

S. 1247. A bill to amend the First Step Act of 2018 to permit defendants convicted of certain offenses to be eligible for reduced sentences, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terry Technical Correction Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that on June 14, 2021, the Supreme Court of the United States decided the case of Terry v. United States, 141 S. Ct. 1858 (2021), holding that crack offenders who did not trigger a mandatory minimum do not qualify for the retroactivity provisions of section 404 of the First Step Act of 2018 (21 U.S.C. 841 note).

(b) PURPOSE.—The purpose of this Act is to clarify that the retroactivity provisions of section 404 of the First Step Act of 2018 (21 U.S.C. 841 note) are available to those offenders who were sentenced for a crack-cocaine offense before the Fair Sentencing Act of 2010 (Public Law 111–220) became effective, including individuals with low-level crack offenses sentenced under section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)).

SEC. 3. APPLICATION OF FAIR SENTENCING ACT OF 2010.

Section 404 of the First Step Act of 2018 (21 U.S.C. 841 note) is amended—

(1) in subsection (a)—

(A) by striking '' 'covered offense' means'' and inserting '' 'covered offense'—

''(1) means'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) includes a violation, involving cocaine base, of—

''(A) section 3113 of title 5, United States Code;

''(B) section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C));

''(C) section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a));

''(D) section 406 of the Controlled Substances Act (21 U.S.C. 846);

''(E) section 408 of the Controlled Substances Act (21 U.S.C. 848);

''(F) subsection (b) or (c) of section 409 of the Controlled Substances Act (21 U.S.C. 849);

''(G) subsection (a) or (b) of section 418 of the Controlled Substances Act (21 U.S.C. 859);

''(H) subsection (a), (b), or (c) of section 419 of the Controlled Substances Act (21 U.S.C. 860);

''(I) section 420 of the Controlled Substances Act (21 U.S.C. 861);

''(J) section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3));

''(K) section 1010A of the Controlled Substances Import and Export Act (21 U.S.C. 960a);

''(L) section 90103 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12522);

''(M) section 70503 or 70506 of title 46, United States Code; and

''(N) any attempt, conspiracy or solicitation to commit an offense described in subparagraphs (A) through (M).''; and

(2) in subsection (c), by inserting ''A motion under this section that was denied after a court determination that a violation described in subsection (a)(2) was not a covered offense shall not be considered a denial after a complete review of the motion on the merits within the meaning of this section.'' after the period at the end of the second sentence.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CRAMER, Mr. BOOKER, Mr. WICKER, Mr. BROWN, and Mr. COONS):

S. 1248. A bill to expand eligibility for and provide judicial review for the Elderly Home Detention Pilot Program, and make other technical corrections; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safer Detention Act of 2023''.

SEC. 2. HOME DETENTION FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.

Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) JUDICIAL REVIEW.—

''(i) IN GENERAL.—Upon motion of a defendant, on or after the date described in clause (ii), a court may reduce an imposed term of imprisonment of the defendant and substitute a term of supervised release with the condition of home detention for the unserved portion of the original term of imprisonment, after considering the factors set forth in section 3553(a) of title 18, United States Code, if the court finds the defendant is an eligible elderly offender or eligible terminally ill offender.

''(ii) DATE DESCRIBED.—The date described in this clause is the earlier of—

''(I) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to place the defendant on home detention; or

''(II) the expiration of the 30-day period beginning on the date on which the defendant submits to the warden of the facility in which the defendant is imprisoned a request for placement of the defendant on home detention, regardless of the status of the request.''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii)—

(i) by inserting '', including offenses under the laws of the District of Columbia,'' after ''offense or offenses''; and

(ii) by striking ''2/3 of the term of imprisonment to which the offender was sentenced'' and inserting ''1/2 of the term of imprisonment reduced by any credit toward the service of the offender's sentence awarded under section 3624(b) of title 18, United States Code''; and

(B) in subparagraph (D)(i), by inserting '', including offenses under the laws of the District of Columbia,'' after ''offense or offenses''.

SEC. 3. COMPASSIONATE RELEASE TECHNICAL CORRECTION.

Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after ''case'' the following: '', including, notwithstanding any other provision of law, any case involving an offense committed before November 1, 1987''; and

(B) in subparagraph (A)—

(i) by inserting '', on or after the date described in subsection (d)'' after ''upon motion of a defendant''; and

(ii) by striking ''after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) DATE DESCRIBED.—For purposes of subsection (c)(1)(A), the date described in this subsection is the earlier of—

''(1) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf; or

''(2) the expiration of the 30-day period beginning on the date on which the defendant submits a request for a reduction in sentence to the warden of the facility in which the defendant is imprisoned, regardless of the status of the request.''.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. KING, Mr. BRAUN, Mr. BLUMENTHAL, Mr. VANCE, and Ms. BALDWIN):

S. 1250. A bill to amend title XI of the Social Security Act to require that direct-to-consumer advertisements for drugs and biologicals include an appropriate disclosure of pricing information; to the Committee on Finance.

Mr. DURBIN. Madam President, most Americans spent more time at home watching television during the pandemic. I know I did. And what was one of the most common commercials we saw? Direct-to-consumer drug ads. You know, those fancy commercials with catchy music, celebrity actors, and swinging golf clubs? Even before COVID, Americans saw an average of nine ads per day. Every year, the pharmaceutical industry spends more than $6 billion on ads—$6 billion. That is the same as the entire budget of the Food and Drug Administration. In fact, we know that most top Pharma companies spend more on their advertising budget than on drug research and development.

It turns out, the United States is one of only two countries in the world that even allows these commercials. Can you guess the other? New Zealand.

Do you want to know why Pharma spends so much money promoting their drugs? Because it increases their profit margins. Pharma pushes these ads because they steer patients to specific, expensive medications—whether a patient actually needs the drugs or not. And sometimes it is easier in a 10-minute meeting for the doctor to just write the prescription than to take the time to explain why the drug may not be needed or a less expensive, generic version might be a better choice. Pharma thinks if they pummel you with enough ads that you finally learn how to spell Xarelto, you will insist to your doctor that this is the blood thinner you need though a less expensive option would be just as effective.

With billions in targeted spending, patients are bombarded with information—don't take Xarelto if you are allergic to Xarelto—but kept in the dark on one crucial factor—the price.

Take Rinvoq, which is manufactured by Illinois-based AbbVie for eczema and arthritis. It is now the most-advertised drug on television—replacing two other AbbVie medications, Humira and Skyrizi. AbbVie spent $315 million last year on TV ads for Rinvoq alone. But nowhere in the ad do they tell you it costs $6,100 per month.

Well, Senator GRASSLEY and I think it is time for Big Pharma to end the secrecy. If they are advertising a drug, they should disclose the price right up front. It is a basic transparency measure for patients. Consumer protection 101. So today, we are reintroducing bipartisan legislation to require price disclosures in direct-to-consumer drugs ads, or DTC ads. Our plan is simple, and it has actually passed the Senate once before.

Here is why we think this transparency in drug ads is so important. Earlier this year, a study found that more than two-thirds of drugs advertised on television were considered, quote, ''low-value.'' Those pricey drugs that show you whitewater rafting or rock climbing? They are often no better than other, more affordable drugs.

One-in-five Americans do not take their medications as prescribed because of the cost. They cut their pills in half or skip doses because they can't afford to take their medications as prescribed. So don't you think it is worth knowing right away that Rinvoq could run you $6,100 per month rather than waiting for that moment of truth at the pharmacy counter?

Don't just take my word for it. These advertisements often urge you to ''ask your doctor if it is right for you.'' Well, we asked those doctors. The American Medical Association says: ''Direct-to-consumer advertising inflates demand for new and expensive drugs, even when these drugs may not be appropriate.''

As Democrats are working in Washington to avoid default and prevent our economy from crashing and to preserve the solvency of Medicare, we asked the Government Accountability Office, GAO, to look at the impact of these DTC ads on Medicare's budget. The GAO found that between 2016 and 2018, drugs advertised on television accounted for 58 percent of Medicare's spending. These DTC ads ballooned Medicare spending on a small handful of drugs, costing the Medicare Program $320 billion over 3 years. Humira topped the list with $500 million in advertising in 2018, which contributed to $2.4 billion in Medicare costs.

I used this chart in 2017 when I first introduced this legislation, and when the monthly cost of Humira was $3,700 per month. But as you can see, the cost of Humira is now $6,900 per month. Shouldn't AbbVie—makers of Humira—disclose that price to you so you can use this information when making treatment decisions? If they did, AbbVie may think twice before raising the price.

Our DTC bill is supported by Democrats and Republicans, the AARP, American Medical Association, American Hospital Association, and 88 percent of Americans. President Trump supported our bill. This bill has passed the Senate before. And several Republicans have included this provision in larger packages they have supported. The only opposition comes from one place: Pharma. They hate the idea of being honest with patients about the price of their drugs and they are looking for Senators to help keep their secret.

So when the Senate considers drug pricing legislation in the coming weeks, I will ask for a vote on this bipartisan policy. Senator GRASSLEY has been a great partner in this effort; and we will work to bring this dose of sunshine to the airwaves. It is about time Americans catch a break when it comes to the cost of drugs.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug-Price Transparency for Consumers Act of 2023'' or the ''DTC Act of 2023''.

SEC. 2. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds the following:

(1) Direct-to-consumer advertising of prescription pharmaceuticals is legally permitted in only 2 developed countries, the United States and New Zealand.

(2) In 2018, pharmaceutical ad spending exceeded $6,046,000,000, a 4.8 percent increase over 2017, resulting in the average American seeing 9 drug advertisements per day.

(3) The most commonly advertised medication in the United States in 2020 had a list price of more than $6,000 for a one-month's supply.

(4) A 2021 Government Accountability Office report found that two-thirds of all direct-to-consumer drug advertising between 2016 and 2018 was concentrated among 39 brand-name drugs or biologicals, about half of which were recently approved by the Food and Drug Administration.

(5) According to a 2011 Congressional Budget Office report, pharmaceutical manufacturers advertise their products directly to consumers in an attempt to boost demand for their products and thereby raise the price that consumers are willing to pay, increase the quantity of drugs sold, or achieve some combination of the two.

(6) Studies, including a 2012 systematic review published in the Annual Review of Public Health, a 2005 randomized trial published

in the Journal of the American Medical Association, and a 2004 survey published in Health Affairs, show that patients are more likely to ask their doctor for a specific medication and for the doctor to write a prescription for it, if a patient has seen an advertisement for such medication, even if such medication is not the most clinically appropriate for the patient or if a lower-cost generic medication may be available.

(7) According to a 2011 Congressional Budget Office report, the average number of prescriptions written for newly approved brand-name drugs with direct-to-consumer advertising was 9 times greater than the average number of prescriptions written for newly approved brand-name drugs without direct-to-consumer advertising.

(8) The Centers for Medicare & Medicaid Services is the single largest drug payer in the United States. Between 2016 and 2018, 58 percent of the $560,000,000,000 in Medicare drug spending was for advertised drugs, and in 2018 alone, the 20 most advertised drugs on television cost Medicare and Medicaid a combined $34,000,000,000.

(9) A 2021 Government Accountability Office report found that direct-to-consumer advertising may have contributed to increases in Medicare beneficiary use and spending among certain drugs.

(10) The American Medical Association has passed resolutions supporting the requirement for price transparency in any direct-to-consumer advertising, stating that such advertisements on their own ''inflate demand for new and more expensive drugs, even when these drugs may not be appropriate''.

(11) A 2019 study published in the Journal of the American Medical Association found that health care consumers dramatically underestimate their out-of-pocket costs for certain expensive medications, but once they learn the wholesale acquisition cost (in this section referred to as the ''WAC'') of the product, they are far better able to approximate their out-of-pocket costs.

(12) Approximately half of Americans have high-deductible health plans, under which they often pay the list price of a drug until their insurance deductible is met. All of the top Medicare prescription drug plans use coinsurance rather than fixed-dollar copayments for medications on nonpreferred drug tiers, exposing beneficiaries to WAC prices.

(13) Section 119 of division CC of the Consolidated Appropriations Act, 2021 (Public Law 116–260) requires the Secretary of Health and Human Services to increase the use of real-time benefit tools to lower beneficiary costs. However, there still remains a lack of available pricing tools so patients may not learn of their medication's cost until after being given a prescription for the medication. A 2013 study published in The Oncologist found that one-quarter of all cancer patients chose not to fill a prescription due to cost.

(14) The Federal Government already exercises its authority to oversee certain aspects of direct-to-consumer drug advertising, including required disclosures of information related to side effects, contraindications, and effectiveness.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a lack of transparency in pricing for pharmaceuticals has led to a lack of competition for such pharmaceuticals, as evidenced by a finding by the Department of Health and Human Services that ''Consumers of pharmaceuticals are currently missing information that consumers of other products can more readily access, namely the list price of the product, which acts as a point of comparison when judging the reasonableness of prices offered for potential substitute products'' (84 Fed. Reg. 20735);

(2) in an age where price information is ubiquitous, the prices of pharmaceuticals remain shrouded in secrecy and limited to those who subscribe to expensive drug price reporting services, which typically include pharmaceutical manufacturers or other health care industry entities and not the general public;

(3) greater insight and transparency into drug prices will help consumers know if they can afford to complete a course of therapy before deciding to initiate that course of therapy;

(4) price shopping is the mark of rational economic behavior, and markets operate more efficiently when consumers have relevant information about a product, including its price, before making an informed decision about whether to buy that product;

(5) providing consumers with basic price information may result in the selection of lesser cost alternatives, all else being equal relative to the patient's care, and is integral to providing adequate competition in the market;

(6) the WAC is a factual, objective, and uncontroversial definition for the list price of a medication, in that it is defined in statute, reflects an understood place in the supply chain, and is at the sole discretion of the manufacturer to set;

(7) there is a governmental interest in ensuring that consumers who seek to purchase pharmaceuticals for purposes of promoting their health and safety understand the objective list price of any pharmaceutical that they are encouraged through advertisements to purchase, which allows consumers to make informed purchasing decisions; and

(8) there is a governmental interest in mitigating wasteful expenditures and promoting the efficient administration of the Medicare program by slowing the growth of Federal spending on prescription drugs.

SEC. 3. REQUIREMENT THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR DRUGS AND BIOLOGICALS INCLUDE AN APPROPRIATE DISCLOSURE OF PRICING INFORMATION.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. REQUIREMENT THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR DRUGS AND BIOLOGICALS INCLUDE AN APPROPRIATE DISCLOSURE OF PRICING INFORMATION.

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall require that each direct-to-consumer advertisement for a drug or biological for which payment is available under title XVIII or XIX and which is required to include the information relating to side effects, contraindications, and effectiveness described in section 202.1(e)(1) of title 21, Code of Federal Relations (or any successor regulation) also include an appropriate disclosure of pricing information, as described in subsection (b), with respect to such drug or biological.

''(2) EXEMPTION.—The requirement under paragraph (1) shall not apply to a drug or biological for which the wholesale acquisition cost for a 30-day supply of (or, if applicable, a typical course of treatment for) such drug or biological is less than $35.

''(b) APPROPRIATE DISCLOSURE OF PRICING INFORMATION.—For the purposes of subsection (a), an appropriate disclosure of pricing information, with respect to a drug or biological, shall—

''(1) disclose of the wholesale acquisition cost for a 30-day supply of (or, if applicable, a typical course of treatment for) such drug or biological; and

''(2) be presented clearly and conspicuously.

''(c) RULEMAKING.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Administrator of the Centers for Medicare and Medicaid Services, shall promulgate final regulations to carry out this section, including—

''(1) the visual and audio components required to communicate the wholesale acquisition cost in the appropriate manner for the medium of the advertisement;

''(2) the reasonable amount of time a manufacturer has to update any direct-to-consumer advertisement to reflect any change to the wholesale acquisition cost of the advertised drug or biological; and

''(3) the way in which a manufacturer may include a brief statement explaining that certain consumers may pay a different amount depending on their insurance coverage.

''(d) SANCTIONS.—Any manufacturer of a drug or biological, or an agent of such manufacturer, that violates the requirement of this section may be subject to a civil money penalty of not more than $100,000 for each such violation. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to civil money penalties under the preceding sentence in the same manner as they apply to a penalty or proceeding under section 1128A(a).

''(e) PUBLIC REPORTING SYSTEM.—In order to enforce the requirement under this section, the Secretary may establish a public reporting system—

''(1) to build awareness of such requirement; and

''(2) allow for reporting of manufacturers that fail to comply with such requirement.

''(f) DEFINITIONS.—In this section:

''(1) DRUG AND BIOLOGICAL.—The terms 'drug' and 'biological' have the meaning given such terms in section 1861(t).

''(2) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given such term in section 1847A(c)(6)(B).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purposes of carrying out this section.''.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. BOOKER, Mr. OSSOFF, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. WICKER, Ms. LUMMIS, and Mr. BROWN):

S. 1251. A bill to reform sentencing laws and correctional institutions, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''First Step Implementation Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SENTENCING REFORM

Sec. 101. Application of First Step Act.
Sec. 102. Modifying safety valve for drug offenses.

TITLE II—CORRECTIONS REFORM

Sec. 201. Parole for juveniles.
Sec. 202. Juvenile sealing and expungement.

Sec. 203. Ensuring accuracy of Federal criminal records.

TITLE I—SENTENCING REFORM

SEC. 101. APPLICATION OF FIRST STEP ACT.

(a) DEFINITIONS.—In this section—

(1) the term ''covered offense'' means—

(A) a violation of a Federal criminal statute, the statutory penalties for which were modified by section 401 or 403 of the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5220), that was committed on or before December 21, 2018; or

(B) a violation of a Federal criminal statute, the statutory penalties for which are modified by subsection (b) of this section; and

(2) the term ''serious violent felony'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(b) AMENDMENTS.—

(1) IN GENERAL.—

(A) CONTROLLED SUBSTANCES ACT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(i) in paragraph (1)—

(I) in subparagraph (C), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony'';

(II) in subparagraph (D), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''; and

(III) in subparagraph (E)(ii), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony'';

(ii) in paragraph (2), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''; and

(iii) in paragraph (3), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(B) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(2) PENDING CASES.—This subsection, and the amendments made by this subsection, shall apply to any sentence imposed on or after the date of enactment of this Act, regardless of when the offense was committed.

(c) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 401 and 403 of the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5220) and the amendments made by subsection (b) of this section were in effect at the time the covered offense was committed if, after considering the factors set forth in section 3553(a) of title 18, United States Code, the nature and seriousness of the danger to any person, the community, or any crime victims, and the post-sentencing conduct of the defendant, the sentencing court finds a reduction is consistent with the amendments made by section 401 or 403 of the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5220) or with subsection (b) of this section.

(d) CRIME VICTIMS.—Any proceeding under this section shall be subject to section 3771 of title 18, United States Code (commonly known as the ''Crime Victims' Rights Act'').

(e) REQUIREMENT.—For each motion filed under subsection (c), the Government shall conduct a particularized inquiry of the facts and circumstances of the original sentencing of the defendant in order to assess whether a reduction in sentence would be consistent with the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5194) and the amendments made by that Act, including a review of any prior criminal conduct or any other relevant information from Federal, State, and local authorities.

SEC. 102. MODIFYING SAFETY VALVE FOR DRUG OFFENSES.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) INADEQUACY OF CRIMINAL HISTORY.—

''(1) IN GENERAL.—If subsection (f) does not apply to a defendant because the defendant does not meet the requirements described in subsection (f)(1) (relating to criminal history), the court may, upon prior notice to the Government, waive subsection (f)(1) if the court specifies in writing the specific reasons why reliable information indicates that excluding the defendant pursuant to subsection (f)(1) substantially overrepresents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes.

''(2) PROHIBITION.—This subsection shall not apply to any defendant who has been convicted of a serious drug felony or a serious violent felony, as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

TITLE II—CORRECTIONS REFORM

SEC. 201. PAROLE FOR JUVENILES.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by inserting after section 5032 the following:

''§ 5032A. Modification of an imposed term of imprisonment for violations of law committed prior to age 18

''(a) IN GENERAL.—Notwithstanding any other provision of law, a court may reduce a term of imprisonment imposed upon a defendant convicted as an adult for an offense committed and completed before the defendant attained 18 years of age if—

''(1) the defendant has served not less than 20 years in custody for the offense; and

''(2) the court finds, after considering the factors set forth in subsection (c), that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.

''(b) SUPERVISED RELEASE.—Any defendant whose sentence is reduced pursuant to subsection (a) shall be ordered to serve a period of supervised release of not less than 5 years following release from imprisonment. The conditions of supervised release and any modification or revocation of the term of supervise release shall be in accordance with section 3583.

''(c) FACTORS AND INFORMATION TO BE CONSIDERED IN DETERMINING WHETHER TO MODIFY A TERM OF IMPRISONMENT.—The court, in determining whether to reduce a term of imprisonment pursuant to subsection (a), shall consider—

''(1) the factors described in section 3553(a), including the nature of the offense and the history and characteristics of the defendant;

''(2) the age of the defendant at the time of the offense;

''(3) a report and recommendation of the Bureau of Prisons, including information on whether the defendant has substantially complied with the rules of each institution in which the defendant has been confined and whether the defendant has completed any educational, vocational, or other prison program, where available;

''(4) a report and recommendation of the United States attorney for any district in which an offense for which the defendant is imprisoned was prosecuted;

''(5) whether the defendant has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;

''(6) any statement, which may be presented orally or otherwise, by any victim of an offense for which the defendant is imprisoned or by a family member of the victim if the victim is deceased;

''(7) any report from a physical, mental, or psychiatric examination of the defendant conducted by a licensed health care professional;

''(8) the family and community circumstances of the defendant at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;

''(9) the extent of the role of the defendant in the offense and whether, and to what extent, an adult was involved in the offense;

''(10) the diminished culpability of juveniles as compared to that of adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing juveniles to the otherwise applicable term of imprisonment; and

''(11) any other information the court determines relevant to the decision of the court.

''(d) LIMITATION ON APPLICATIONS PURSUANT TO THIS SECTION.—

''(1) SECOND APPLICATION.—Not earlier than 5 years after the date on which an order entered by a court on an initial application under this section becomes final, a court shall entertain a second application by the same defendant under this section.

''(2) FINAL APPLICATION.—Not earlier than 5 years after the date on which an order entered by a court on a second application under paragraph (1) becomes final, a court shall entertain a final application by the same defendant under this section.

''(3) PROHIBITION.—A court may not entertain an application filed after an application filed under paragraph (2) by the same defendant.

''(e) PROCEDURES.—

''(1) NOTICE.—The Bureau of Prisons shall provide written notice of this section to—

''(A) any defendant who has served not less than 19 years in prison for an offense committed and completed before the defendant attained 18 years of age for which the defendant was convicted as an adult; and

''(B) the sentencing court, the United States attorney, and the Federal Public Defender or Executive Director of the Community Defender Organization for the judicial district in which the sentence described in subparagraph (A) was imposed.

''(2) CRIME VICTIMS' RIGHTS.—Upon receiving notice under paragraph (1), the United States attorney shall provide any notifications required under section 3771.

''(3) APPLICATION.—

''(A) IN GENERAL.—An application for a sentence reduction under this section shall be filed as a motion to reduce the sentence of the defendant and may include affidavits or other written material.

''(B) REQUIREMENT.—A motion to reduce a sentence under this section shall be filed with the sentencing court and a copy shall be served on the United States attorney for the judicial district in which the sentence was imposed.

''(4) EXPANDING THE RECORD; HEARING.—

''(A) EXPANDING THE RECORD.—After the filing of a motion to reduce a sentence under this section, the court may direct the parties to expand the record by submitting additional written materials relating to the motion.

''(B) HEARING.—

''(i) IN GENERAL.—The court shall conduct a hearing on the motion, at which the defendant and counsel for the defendant shall be given the opportunity to be heard.

''(ii) EVIDENCE.—In a hearing under this section, the court may allow parties to present evidence.

''(iii) DEFENDANT'S PRESENCE.—At a hearing under this section, the defendant shall be present unless the defendant waives the right to be present. The requirement under this clause may be satisfied by the defendant appearing by video teleconference.

''(iv) COUNSEL.—A defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant for proceedings under this section, including any appeal, unless the defendant waives the right to counsel.

''(v) FINDINGS.—The court shall state in open court, and file in writing, the reasons for granting or denying a motion under this section.

''(C) APPEAL.—The Government or the defendant may file a notice of appeal in the district court for review of a final order under this section. The time limit for filing such appeal shall be governed by rule 4(a) of the Federal Rules of Appellate Procedure.

''(f) EDUCATIONAL AND REHABILITATIVE PROGRAMS.—A defendant who is convicted and sentenced as an adult for an offense committed and completed before the defendant attained 18 years of age may not be deprived of any educational, training, or rehabilitative program that is otherwise available to the general prison population.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 403 of title 18, United States Code, is amended by inserting after the item relating to section 5032 the following:

''5032A. Modification of an imposed term of imprisonment for violations of law committed prior to age 18.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to any conviction entered before, on, or after the date of enactment of this Act.

SEC. 202. JUVENILE SEALING AND EXPUNGEMENT.

(a) PURPOSE.—The purpose of this section is to—

(1) protect children and adults against damage stemming from their juvenile acts and subsequent juvenile delinquency records, including law enforcement, arrest, and court records; and

(2) prevent the unauthorized use or disclosure of confidential juvenile delinquency records and any potential employment, financial, psychological, or other harm that would result from such unauthorized use or disclosure.

(b) DEFINITIONS.—Section 5031 of title 18, United States Code, is amended to read as follows:

''§ 5031. Definitions

''In this chapter—

''(1) the term 'adjudication' means a determination by a judge that a person committed an act of juvenile delinquency;

''(2) the term 'conviction' means a judgment or disposition in criminal court against a person following a finding of guilt by a judge or jury;

''(3) the term 'destroy' means to render a file unreadable, whether paper, electronic, or otherwise stored, by shredding, pulverizing, pulping, incinerating, overwriting, reformatting the media, or other means;

''(4) the term 'expunge' means to destroy a record and obliterate the name of the person to whom the record pertains from each official index or public record;

''(5) the term 'expungement hearing' means a hearing held under section 5045(b)(2)(B);

''(6) the term 'expungement petition' means a petition for expungement filed under section 5045(b);

''(7) the term 'high-risk, public trust position' means a position designated as a public trust position under section 731.106(b) of title 5, Code of Federal Regulations, or any successor regulation;

''(8) the term 'juvenile' means—

''(A) except as provided in subparagraph (B), a person who has not attained the age of 18 years; and

''(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained the age of 21 years;

''(9) the term 'juvenile delinquency' means the violation of a law of the United States committed by a person before attaining the age of 18 years which would have been a crime if committed by an adult, or a violation by such a person of section 922(x);

''(10) the term 'juvenile nonviolent offense' means—

''(A) in the case of an arrest or an adjudication that is dismissed or finds the juvenile to be not delinquent, an act of juvenile delinquency that is not—

''(i) a criminal homicide, forcible rape or any other sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. 20911)), kidnapping, aggravated assault, robbery, burglary of an occupied structure, arson, or a drug trafficking crime in which a firearm was used; or

''(ii) a Federal crime of terrorism (as defined in section 2332b(g)); and

''(B) in the case of an adjudication that finds the juvenile to be delinquent, an act of juvenile delinquency that is not—

''(i) described in clause (i) or (ii) of subparagraph (A); or

''(ii) a misdemeanor crime of domestic violence (as defined in section 921(a)(33));

''(11) the term 'juvenile record'—

''(A) means a record maintained by a court, the probation system, a law enforcement agency, or any other government agency, of the juvenile delinquency proceedings of a person;

''(B) includes—

''(i) a juvenile legal file, including a formal document such as a petition, notice, motion, legal memorandum, order, or decree;

''(ii) a social record, including—

''(I) a record of a probation officer;

''(II) a record of any government agency that keeps records relating to juvenile delinquency;

''(III) a medical record;

''(IV) a psychiatric or psychological record;

''(V) a birth certificate;

''(VI) an education record, including an individualized education plan;

''(VII) a detention record;

''(VIII) demographic information that identifies a juvenile or the family of a juvenile; or

''(IX) any other record that includes personally identifiable information that may be associated with a juvenile delinquency proceeding, an act of juvenile delinquency, or an alleged act of juvenile delinquency; and

''(iii) a law enforcement record, including a photograph or a State criminal justice information system record; and

''(C) does not include—

''(i) fingerprints; or

''(ii) a DNA sample;

''(12) the term 'petitioner' means a person who files an expungement petition or a sealing petition;

''(13) the term 'seal' means—

''(A) to close a record from public viewing so that the record cannot be examined except by court order; and

''(B) to physically seal the record shut and label the record 'SEALED' or, in the case of an electronic record, the substantive equivalent;

''(14) the term 'sealing hearing' means a hearing held under section 5044(b)(2)(B); and

''(15) the term 'sealing petition' means a petition for a sealing order filed under section 5044(b).''.

(c) CONFIDENTIALITY.—Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), in the flush text following paragraph (6), by inserting after ''bonding,'' the following: ''participation in an educational system,''; and

(2) in subsection (b), by striking ''District courts exercising jurisdiction over any juvenile'' and inserting the following: ''Not later than 7 days after the date on which a district court exercises jurisdiction over a juvenile, the district court''.

(d) SEALING; EXPUNGEMENT.—

(1) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''§ 5044. Sealing

''(a) AUTOMATIC SEALING OF NONVIOLENT OFFENSES.—

''(1) IN GENERAL.—Three years after the date on which a person who is adjudicated delinquent under this chapter for a juvenile nonviolent offense completes every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense, the court shall order the sealing of each juvenile record or portion thereof that relates to the offense if the person—

''(A) has not been convicted of a crime or adjudicated delinquent for an act of juvenile delinquency since the date of the disposition; and

''(B) is not engaged in active criminal court proceedings or juvenile delinquency proceedings.

''(2) AUTOMATIC NATURE OF SEALING.—The order of sealing under paragraph (1) shall require no action by the person whose juvenile records are to be sealed.

''(3) NOTICE OF AUTOMATIC SEALING.—A court that orders the sealing of a juvenile record of a person under paragraph (1) shall, in writing, inform the person of the sealing and the benefits of sealing the record.

''(b) PETITIONING FOR EARLY SEALING OF NONVIOLENT OFFENSES.—

''(1) RIGHT TO FILE SEALING PETITION.—

''(A) IN GENERAL.—During the 3-year period beginning on the date on which a person who is adjudicated delinquent under this chapter for a juvenile nonviolent offense completes every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense, the person may petition the court to seal the juvenile records that relate to the offense, unless the person—

''(i) has been convicted of a crime or adjudicated delinquent for an act of juvenile delinquency since the date of the disposition; or

''(ii) is engaged in active criminal court proceedings or juvenile delinquency proceedings.

''(B) NOTICE OF OPPORTUNITY TO FILE PETITION.—If a person is adjudicated delinquent for a juvenile nonviolent offense, the court in which the person is adjudicated delinquent shall, in writing, inform the person of the potential eligibility of the person to file a sealing petition with respect to the offense upon completing every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense, and the necessary procedures for filing the sealing petition—

''(i) on the date on which the individual is adjudicated delinquent; and

''(ii) on the date on which the individual has completed every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense.

''(2) PROCEDURES.—

''(A) NOTIFICATION TO PROSECUTOR.—If a person files a sealing petition with respect to a juvenile nonviolent offense, the court in which the petition is filed shall provide notice of the petition—

''(i) to the Attorney General; and

''(ii) upon the request of the petitioner, to any other individual that the petitioner determines may testify as to—

''(I) the conduct of the petitioner since the date of the offense; or

''(II) the reasons that the sealing order should be entered.

''(B) HEARING.—

''(i) IN GENERAL.—If a person files a sealing petition, the court shall—

''(I) except as provided in clause (iii), conduct a hearing in accordance with clause (ii); and

''(II) determine whether to enter a sealing order for the person in accordance with subparagraph (C).

''(ii) OPPORTUNITY TO TESTIFY AND OFFER EVIDENCE.—

''(I) PETITIONER.—The petitioner may testify or offer evidence at the sealing hearing in support of sealing.

''(II) PROSECUTOR.—The Attorney General may send a representative to testify or offer evidence at the sealing hearing in support of or against sealing.

''(III) OTHER INDIVIDUALS.—An individual who receives notice under subparagraph (A)(ii) may testify or offer evidence at the sealing hearing as to the issues described in subclauses (I) and (II) of that subparagraph.

''(iii) WAIVER OF HEARING.—If the petitioner and the Attorney General so agree, the court shall make a determination under subparagraph (C) without a hearing.

''(C) BASIS FOR DECISION.—The court shall determine whether to grant the sealing petition after considering—

''(i) the sealing petition and any documents in the possession of the court;

''(ii) all the evidence and testimony presented at the sealing hearing, if such a hearing is conducted;

''(iii) the best interests of the petitioner;

''(iv) the age of the petitioner during his or her contact with the court or any law enforcement agency;

''(v) the nature of the juvenile nonviolent offense;

''(vi) the disposition of the case;

''(vii) the manner in which the petitioner participated in any court-ordered rehabilitative programming or supervised services;

''(viii) the length of the time period during which the petitioner has been without contact with any court or law enforcement agency;

''(ix) whether the petitioner has had any criminal or juvenile delinquency involvement since the disposition of the juvenile delinquency proceeding; and

''(x) the adverse consequences the petitioner may suffer if the petition is not granted.

''(D) WAITING PERIOD AFTER DENIAL.—If the court denies a sealing petition, the petitioner may not file a new sealing petition with respect to the same juvenile nonviolent offense until the date that is 2 years after the date of the denial.

''(E) UNIVERSAL FORM.—The Director of the Administrative Office of the United States Courts shall create a universal form, available over the internet and in paper form, that an individual may use to file a sealing petition.

''(F) NO FEE FOR INDIGENT PETITIONERS.—If the court determines that the petitioner is indigent, there shall be no cost for filing a sealing petition.

''(G) REPORTING.—Not later than 2 years after the date of enactment of this section, and each year thereafter, the Director of the Administrative Office of the United States Courts shall issue a public report that—

''(i) describes—

''(I) the number of sealing petitions granted and denied under this subsection; and

''(II) the number of instances in which the Attorney General supported or opposed a sealing petition;

''(ii) includes any supporting data that the Director determines relevant and that does not name any petitioner; and

''(iii) disaggregates all relevant data by race, ethnicity, gender, and the nature of the offense.

''(H) PUBLIC DEFENDER ELIGIBILITY.—

''(i) PETITIONERS UNDER AGE 18.—The district court shall appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent a petitioner for purposes of this subsection if the petitioner is less than 18 years of age.

''(ii) PETITIONERS AGE 18 AND OLDER.—

''(I) DISCRETION OF COURT.—In the case of a petitioner who is not less than 18 years of age, the district court may, in its discretion, appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent the petitioner for purposes of this subsection.

''(II) CONSIDERATIONS.—In determining whether to appoint counsel under subclause (I), the court shall consider—

''(aa) the anticipated complexity of the sealing hearing, including the number and type of witnesses called to advocate against the sealing of the records of the petitioner; and

''(bb) the potential for adverse testimony by a victim or a representative of the Attorney General.

''(c) EFFECT OF SEALING ORDER.—

''(1) PROTECTION FROM DISCLOSURE.—Except as provided in paragraphs (3) and (4), if a court orders the sealing of a juvenile record of a person under subsection (a) or (b) with respect to a juvenile nonviolent offense, the proceedings in the case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events the records of which are ordered sealed.

''(2) VERIFICATION OF SEALING.—If a court orders the sealing of a juvenile record under subsection (a) or (b) with respect to a juvenile nonviolent offense, the court shall—

''(A) send a copy of the sealing order to each entity or person known to the court that possesses a record relating to the offense, including each—

''(i) law enforcement agency; and

''(ii) public or private correctional or detention facility;

''(B) in the sealing order, require each entity or person described in subparagraph (A) to—

''(i) seal the record; and

''(ii) submit a written certification to the court, under penalty of perjury, that the entity or person has sealed each paper and electronic copy of the record;

''(C) seal each paper and electronic copy of the record in the possession of the court; and

''(D) after receiving a written certification from each entity or person under subparagraph (B)(ii), notify the petitioner that each entity or person described in subparagraph (A) has sealed each paper and electronic copy of the record.

''(3) LAW ENFORCEMENT ACCESS TO SEALED RECORDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a law enforcement agency may access a sealed juvenile record in the possession of the agency or another law enforcement agency solely—

''(i) to determine whether the person who is the subject of the record is a nonviolent offender eligible for a first-time-offender diversion program;

''(ii) for investigatory or prosecutorial purposes; or

''(iii) for a background check that relates to—

''(I) law enforcement employment; or

''(II) any position that a Federal agency designates as a—

''(aa) national security position; or

''(bb) high-risk, public trust position.

''(B) TRANSITION PERIOD.—During the 1-year period beginning on the date on which a court orders the sealing of a juvenile record under this section, a law enforcement agency may, for law enforcement purposes, access the record if the record is in the possession of the agency or another law enforcement agency.

''(4) PROHIBITION ON DISCLOSURE.—

''(A) PROHIBITION.—Except as provided in subparagraph (C), it shall be unlawful to intentionally make or attempt to make an unauthorized disclosure of any information from a sealed juvenile record in violation of this section.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(C) EXCEPTIONS.—

''(i) BACKGROUND CHECKS.—In the case of a background check for law enforcement employment or for any employment that requires a government security clearance—

''(I) a person who is the subject of a juvenile record sealed under this section shall disclose the contents of the record; and

''(II) a law enforcement agency that possesses a juvenile record sealed under this section—

''(aa) may disclose the contents of the record; and

''(bb) if the agency obtains or is subject to a court order authorizing disclosure of the record, may disclose the record.

''(ii) DISCLOSURE TO ARMED FORCES.—A person, including a law enforcement agency that possesses a juvenile record sealed under this section, may disclose information from a juvenile record sealed under this section to the Secretaries of the military departments (or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) for the purpose of vetting an enlistment or commission, or with regard to any member of the Armed Forces.

''(iii) CRIMINAL AND JUVENILE PROCEEDINGS.—A prosecutor or other law enforcement officer may disclose information from a juvenile record sealed under this section, and a person who is the subject of a juvenile record sealed under this section may be required to testify or otherwise disclose information about the record, in a criminal or other proceeding if such disclosure is required by the Constitution of the United States, the constitution of a State, or a Federal or State statute or rule.

''(iv) AUTHORIZATION FOR PERSON TO DISCLOSE OWN RECORD.—A person who is the subject of a juvenile record sealed under this section may choose to disclose the record.

''(d) LIMITATION RELATING TO SUBSEQUENT INCIDENTS.—

''(1) AFTER FILING AND BEFORE PETITION GRANTED.—If, after the date on which a person files a sealing petition with respect to a

juvenile offense and before the court determines whether to grant the petition, the person is convicted of a crime, adjudicated delinquent for an act of juvenile delinquency, or engaged in active criminal court proceedings or juvenile delinquency proceedings, the court shall deny the petition.

''(2) AFTER PETITION GRANTED.—If, on or after the date on which a court orders the sealing of a juvenile record of a person under subsection (b), the person is convicted of a crime or adjudicated delinquent for an act of juvenile delinquency—

''(A) the court shall—

''(i) vacate the order; and

''(ii) notify the person who is the subject of the juvenile record, and each entity or person described in subsection (c)(2)(A), that the order has been vacated; and

''(B) the record shall no longer be sealed.

''(e) INCLUSION OF STATE JUVENILE DELINQUENCY ADJUDICATIONS AND PROCEEDINGS.—For purposes of subparagraphs (A) and (B) of subsection (a)(1), clauses (i) and (ii) of subsection (b)(1)(A), subsection (b)(2)(C)(ix), and paragraphs (1) and (2) of subsection (d), the term 'juvenile delinquency' includes the violation of a law of a State committed by a person before attaining the age of 18 years which would have been a crime if committed by an adult.

''§ 5045. Expungement

''(a) AUTOMATIC EXPUNGEMENT OF CERTAIN RECORDS.—

''(1) ATTORNEY GENERAL MOTION.—

''(A) NONVIOLENT OFFENSES COMMITTED BEFORE A PERSON TURNED 15.—If a person is adjudicated delinquent under this chapter for a juvenile nonviolent offense committed before the person attained 15 years of age and completes every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense before attaining 18 years of age, on the date on which the person attains 18 years of age, the Attorney General shall file a motion in the district court of the United States in which the person was adjudicated delinquent requesting that each juvenile record of the person that relates to the offense be expunged.

''(B) ARRESTS.—If a juvenile is arrested by a Federal law enforcement agency for a juvenile nonviolent offense for which a juvenile delinquency proceeding is not instituted under this chapter, and for which the United States does not proceed against the juvenile as an adult in a district court of the United States, the Attorney General shall file a motion in the district court of the United States that would have had jurisdiction of the proceeding requesting that each juvenile record relating to the arrest be expunged.

''(C) EXPUNGEMENT ORDER.—Upon the filing of a motion in a district court of the United States with respect to a juvenile nonviolent offense under subparagraph (A) or an arrest for a juvenile nonviolent offense under subparagraph (B), the court shall grant the motion and order that each juvenile record relating to the offense or arrest, as applicable, be expunged.

''(2) DISMISSED CASES.—If a district court of the United States dismisses an information with respect to a juvenile under this chapter or finds a juvenile not to be delinquent in a juvenile delinquency proceeding under this chapter, the court shall concurrently order that each juvenile record relating to the applicable proceeding be expunged.

''(3) AUTOMATIC NATURE OF EXPUNGEMENT.—An order of expungement under paragraph (1)(C) or (2) shall not require any action by the person whose records are to be expunged.

''(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—A court that orders the expungement of a juvenile record of a person under paragraph (1)(C) or (2) shall, in writing, inform the person of the expungement and the benefits of expunging the record.

''(b) PETITIONING FOR EXPUNGEMENT OF NONVIOLENT OFFENSES.—

''(1) IN GENERAL.—A person who is adjudicated delinquent under this chapter for a juvenile nonviolent offense committed on or after the date on which the person attained 15 years of age may petition the court in which the proceeding took place to order the expungement of the juvenile record that relates to the offense unless the person—

''(A) has been convicted of a crime or adjudicated delinquent for an act of juvenile delinquency since the date of the disposition;

''(B) is engaged in active criminal court proceedings or juvenile delinquency proceedings; or

''(C) has had not less than 2 adjudications of delinquency previously expunged under this section.

''(2) PROCEDURES.—

''(A) NOTIFICATION OF PROSECUTOR AND VICTIMS.—If a person files an expungement petition with respect to a juvenile nonviolent offense, the court in which the petition is filed shall provide notice of the petition—

''(i) to the Attorney General; and

''(ii) upon the request of the petitioner, to any other individual that the petitioner determines may testify as to—

''(I) the conduct of the petitioner since the date of the offense; or

''(II) the reasons that the expungement order should be entered.

''(B) HEARING.—

''(i) IN GENERAL.—If a person files an expungement petition, the court shall—

''(I) except as provided in clause (iii), conduct a hearing in accordance with clause (ii); and

''(II) determine whether to enter an expungement order for the person in accordance with subparagraph (C).

''(ii) OPPORTUNITY TO TESTIFY AND OFFER EVIDENCE.—

''(I) PETITIONER.—The petitioner may testify or offer evidence at the expungement hearing in support of expungement.

''(II) PROSECUTOR.—The Attorney General may send a representative to testify or offer evidence at the expungement hearing in support of or against expungement.

''(III) OTHER INDIVIDUALS.—An individual who receives notice under subparagraph (A)(ii) may testify or offer evidence at the expungement hearing as to the issues described in subclauses (I) and (II) of that subparagraph.

''(iii) WAIVER OF HEARING.—If the petitioner and the Attorney General so agree, the court shall make a determination under subparagraph (C) without a hearing.

''(C) BASIS FOR DECISION.—The court shall determine whether to grant an expungement petition after considering—

''(i) the petition and any documents in the possession of the court;

''(ii) all the evidence and testimony presented at the expungement hearing, if such a hearing is conducted;

''(iii) the best interests of the petitioner;

''(iv) the age of the petitioner during his or her contact with the court or any law enforcement agency;

''(v) the nature of the juvenile nonviolent offense;

''(vi) the disposition of the case;

''(vii) the manner in which the petitioner participated in any court-ordered rehabilitative programming or supervised services;

''(viii) the length of the time period during which the petitioner has been without contact with any court or any law enforcement agency;

''(ix) whether the petitioner has had any criminal or juvenile delinquency involvement since the disposition of the juvenile delinquency proceeding; and

''(x) the adverse consequences the petitioner may suffer if the petition is not granted.

''(D) WAITING PERIOD AFTER DENIAL.—If the court denies an expungement petition, the petitioner may not file a new expungement petition with respect to the same offense until the date that is 2 years after the date of the denial.

''(E) UNIVERSAL FORM.—The Director of the Administrative Office of the United States Courts shall create a universal form, available over the internet and in paper form, that an individual may use to file an expungement petition.

''(F) NO FEE FOR INDIGENT PETITIONERS.—If the court determines that the petitioner is indigent, there shall be no cost for filing an expungement petition.

''(G) REPORTING.—Not later than 2 years after the date of enactment of this section, and each year thereafter, the Director of the Administrative Office of the United States Courts shall issue a public report that—

''(i) describes—

''(I) the number of expungement petitions granted and denied under this subsection; and

''(II) the number of instances in which the Attorney General supported or opposed an expungement petition;

''(ii) includes any supporting data that the Director determines relevant and that does not name any petitioner; and

''(iii) disaggregates all relevant data by race, ethnicity, gender, and the nature of the offense.

''(H) PUBLIC DEFENDER ELIGIBILITY.—

''(i) PETITIONERS UNDER AGE 18.—The district court shall appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent a petitioner for purposes of this subsection if the petitioner is less than 18 years of age.

''(ii) PETITIONERS AGE 18 AND OLDER.—

''(I) DISCRETION OF COURT.—In the case of a petitioner who is not less than 18 years of age, the district court may, in its discretion, appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent the petitioner for purposes of this subsection.

''(II) CONSIDERATIONS.—In determining whether to appoint counsel under subclause (I), the court shall consider—

''(aa) the anticipated complexity of the expungement hearing, including the number and type of witnesses called to advocate against the expungement of the records of the petitioner; and

''(bb) the potential for adverse testimony by a victim or a representative of the Attorney General.

''(c) EFFECT OF EXPUNGED JUVENILE RECORD.—

''(1) PROTECTION FROM DISCLOSURE.—Except as provided in paragraphs (4) through (8), if a court orders the expungement of a juvenile record of a person under subsection (a) or (b) with respect to a juvenile nonviolent offense, the proceedings in the case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events the records of which are ordered expunged.

''(2) VERIFICATION OF EXPUNGEMENT.—If a court orders the expungement of a juvenile record under subsection (a) or (b) with respect to a juvenile nonviolent offense, the court shall—

''(A) send a copy of the expungement order to each entity or person known to the court that possesses a record relating to the offense, including each—

''(i) law enforcement agency; and

''(ii) public or private correctional or detention facility;

''(B) in the expungement order—

''(i) require each entity or person described in subparagraph (A) to—

''(I) seal the record for 1 year and, during that 1-year period, apply paragraphs (3) and (4) of section 5044(c) with respect to the record;

''(II) on the date that is 1 year after the date of the order, destroy the record unless a subsequent incident described in subsection (d)(2) occurs; and

''(III) submit a written certification to the court, under penalty of perjury, that the entity or person has destroyed each paper and electronic copy of the record; and

''(ii) explain that if a subsequent incident described in subsection (d)(2) occurs, the order shall be vacated and the record shall no longer be sealed;

''(C) on the date that is 1 year after the date of the order, destroy each paper and electronic copy of the record in the possession of the court unless a subsequent incident described in subsection (d)(2) occurs; and

''(D) after receiving a written certification from each entity or person under subparagraph (B)(i)(III), notify the petitioner that each entity or person described in subparagraph (A) has destroyed each paper and electronic copy of the record.

''(3) REPLY TO INQUIRIES.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record of a person under this section, in the case of an inquiry relating to the juvenile record, the court, each law enforcement officer, any agency that provided treatment or rehabilitation services to the person, and the person (except as provided in paragraphs (4) through (8)) shall reply to the inquiry that no such juvenile record exists.

''(4) CIVIL ACTIONS.—

''(A) IN GENERAL.—On and after the date on which a court orders the expungement of a juvenile record of a person under this section, if the person brings an action against a law enforcement agency that arrested, or participated in the arrest of, the person for the offense to which the record relates, or against the State or political subdivision of a State of which the law enforcement agency is an agency, in which the contents of the record are relevant to the resolution of the issues presented in the action, there shall be a rebuttable presumption that the defendant has a complete defense to the action.

''(B) SHOWING BY PLAINTIFF.—In an action described in subparagraph (A), the plaintiff may rebut the presumption of a complete defense by showing that the contents of the expunged record would not prevent the defendant from being held liable.

''(C) DUTY TO TESTIFY AS TO EXISTENCE OF RECORD.—The court in which an action described in subparagraph (A) is filed may require the plaintiff to state under oath whether the plaintiff had a juvenile record and whether the record was expunged.

''(D) PROOF OF EXISTENCE OF JUVENILE RECORD.—If the plaintiff in an action described in subparagraph (A) denies the existence of a juvenile record, the defendant may prove the existence of the record in any manner compatible with the applicable laws of evidence.

''(5) CRIMINAL AND JUVENILE PROCEEDINGS.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record under this section, a prosecutor or other law enforcement officer may disclose underlying information from the juvenile record, and the person who is the subject of the juvenile record may be required to testify or otherwise disclose information about the record, in a criminal or other proceeding if such disclosure is required by the Constitution of the United States, the constitution of a State, or a Federal or State statute or rule.

''(6) BACKGROUND CHECKS.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record under this section, in the case of a background check for law enforcement employment or for any employment that requires a government security clearance, the person who is the subject of the juvenile record may be required to disclose underlying information from the record.

''(7) DISCLOSURE TO ARMED FORCES.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record under this section, a person, including a law enforcement agency that possessed such a juvenile record, may be required to disclose underlying information from the record to the Secretaries of the military departments (or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) for the purpose of vetting an enlistment or commission, or with regard to any member of the Armed Forces.

''(8) AUTHORIZATION FOR PERSON TO DISCLOSE OWN RECORD.—A person who is the subject of a juvenile record expunged under this section may choose to disclose the record.

''(9) TREATMENT AS SEALED RECORD DURING TRANSITION PERIOD.—During the 1-year period beginning on the date on which a court orders the expungement of a juvenile record under this section, paragraphs (3) and (4) of section 5044(c) shall apply with respect to the record as if the record had been sealed under that section.

''(d) LIMITATION RELATING TO SUBSEQUENT INCIDENTS.—

''(1) AFTER FILING AND BEFORE PETITION GRANTED.—If, after the date on which a person files an expungement petition with respect to a juvenile offense and before the court determines whether to grant the petition, the person is convicted of a crime, adjudicated delinquent for an act of juvenile delinquency, or engaged in active criminal court proceedings or juvenile delinquency proceedings, the court shall deny the petition.

''(2) AFTER PETITION GRANTED.—If, on or after the date on which a court orders the expungement of a juvenile record of a person under subsection (b), the person is convicted of a crime, adjudicated delinquent for an act of juvenile delinquency, or engaged in active criminal court proceedings or juvenile delinquency proceedings—

''(A) the court that ordered the expungement shall—

''(i) vacate the order; and

''(ii) notify the person who is the subject of the juvenile record, and each entity or person described in subsection (c)(2)(A), that the order has been vacated; and

''(B) the record—

''(i) shall not be expunged; or

''(ii) if the record has been expunged because 1 year has elapsed since the date of the expungement order, shall not be treated as having been expunged.

''(e) INCLUSION OF STATE JUVENILE DELINQUENCY ADJUDICATIONS AND PROCEEDINGS.—For purposes of subparagraphs (A) and (B) of subsection (b)(1), subsection (b)(2)(C)(ix), and paragraphs (1) and (2) of subsection (d), the term 'juvenile delinquency' includes the violation of a law of a State committed by a person before attaining the age of 18 years which would have been a crime if committed by an adult.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''5044. Sealing.

''5045. Expungement.''.

(3) APPLICABILITY.—Sections 5044 and 5045 of title 18, United States Code, as added by paragraph (1), shall apply with respect to a juvenile nonviolent offense (as defined in section 5031 of such title, as amended by subsection (b)) that is committed or alleged to have been committed before, on, or after the date of enactment of this Act.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize the sealing or expungement of a record of a criminal conviction of a juvenile who was proceeded against as an adult in a district court of the United States.

SEC. 203. ENSURING ACCURACY OF FEDERAL CRIMINAL RECORDS.

(a) IN GENERAL.—Section 534 of title 28, United States Code, is amended by adding at the end the following:

''(g) ENSURING ACCURACY OF FEDERAL CRIMINAL RECORDS.—

''(1) DEFINITIONS.—

''(A) IN GENERAL.—In this subsection—

''(i) the term 'applicant' means the individual to whom a record sought to be exchanged pertains;

''(ii) the term 'high-risk, public trust position' means a position designated as a public trust position under section 731.106(b) of title 5, Code of Federal Regulations, or any successor regulation;

''(iii) the term 'incomplete', with respect to a record, means the record—

''(I) indicates that an individual was arrested but does not describe the offense for which the individual was arrested; or

''(II) indicates that an individual was arrested or criminal proceedings were instituted against an individual but does not include the final disposition of the arrest or of the proceedings if a final disposition has been reached;

''(iv) the term 'record' means a record or other information collected under this section that relates to—

''(I) an arrest by a Federal law enforcement officer; or

''(II) a Federal criminal proceeding;

''(v) the term 'reporting jurisdiction' means any person or entity that provides a record to the Attorney General under this section; and

''(vi) the term 'requesting entity'—

''(I) means a person or entity that seeks the exchange of a record for civil purposes that include employment, housing, credit, or any other type of application; and

''(II) does not include a law enforcement or intelligence agency that seeks the exchange of a record for—

''(aa) investigative purposes; or

''(bb) purposes relating to law enforcement employment.

''(B) RULE OF CONSTRUCTION.—The definition of the term 'requesting entity' under subparagraph (A) shall not be construed to authorize access to records that is not otherwise authorized by law.

''(2) INCOMPLETE OR INACCURATE RECORDS.—The Attorney General shall establish and enforce procedures to ensure the prompt release of accurate records exchanged for employment-related purposes through the records system created under this section.

''(3) REQUIRED PROCEDURES.—The procedures established under paragraph (2) shall include the following:

''(A) INACCURATE RECORD OR INFORMATION.—If the Attorney General determines that a record is inaccurate, the Attorney General shall promptly correct the record, including by making deletions to the record if appropriate.

''(B) INCOMPLETE RECORD.—

''(i) IN GENERAL.—If the Attorney General determines that a record is incomplete or cannot be verified, the Attorney General—

''(I) shall attempt to complete or verify the record; and

''(II) if unable to complete or verify the record, may promptly make any changes or deletions to the record.

''(ii) LACK OF DISPOSITION OF ARREST.—For purposes of this subparagraph, an incomplete record includes a record that indicates there was an arrest and does not include the disposition of the arrest.

''(iii) OBTAINING DISPOSITION OF ARREST.—If the Attorney General determines that a record is an incomplete record described in clause (ii), the Attorney General shall, not later than 10 days after the date on which the requesting entity requests the exchange and before the exchange is made, obtain the disposition (if any) of the arrest.

''(C) NOTIFICATION OF REPORTING JURISDICTION.—The Attorney General shall notify each appropriate reporting jurisdiction of any action taken under subparagraph (A) or (B).

''(D) OPPORTUNITY TO REVIEW RECORDS BY APPLICANT.—In connection with an exchange of a record under this section, the Attorney General shall—

''(i) notify the applicant that the applicant can obtain a copy of the record as described in clause (ii) if the applicant demonstrates a reasonable basis for the applicant's review of the record;

''(ii) provide to the applicant an opportunity, upon request and in accordance with clause (i), to—

''(I) obtain a copy of the record; and

''(II) challenge the accuracy and completeness of the record;

''(iii) promptly notify the requesting entity of any such challenge;

''(iv) not later than 30 days after the date on which the challenge is made, complete an investigation of the challenge;

''(v) provide to the applicant the specific findings and results of that investigation;

''(vi) promptly make any changes or deletions to the records required as a result of the challenge; and

''(vii) report those changes to the requesting entity.

''(E) CERTAIN EXCHANGES PROHIBITED.—

''(i) IN GENERAL.—An exchange shall not include any record—

''(I) except as provided in clause (ii), about an arrest more than 2 years old as of the date of the request for the exchange, that does not also include a disposition (if any) of that arrest;

''(II) relating to an adult or juvenile nonserious offense of the sort described in section 20.32(b) of title 28, Code of Federal Regulations, as in effect on July 1, 2009; or

''(III) to the extent the record is not clearly an arrest or a disposition of an arrest.

''(ii) APPLICANTS FOR SENSITIVE POSITIONS.—The prohibition under clause (i)(I) shall not apply in the case of a background check that relates to—

''(I) law enforcement employment; or

''(II) any position that a Federal agency designates as a—

''(aa) national security position; or

''(bb) high-risk, public trust position.

''(4) FEES.—The Attorney General may collect a reasonable fee for an exchange of records for employment-related purposes through the records system created under this section to defray the costs associated with exchanges for those purposes, including any costs associated with the investigation of inaccurate or incomplete records.''.

(b) REGULATIONS ON REASONABLE PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out section 534(g) of title 28, United States Code, as added by subsection (a).

(c) REPORT.—

(1) DEFINITION.—In this subsection, the term ''record'' has the meaning given the term in subsection (g) of section 534 of title 28, United States Code, as added by subsection (a).

(2) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the implementation of subsection (g) of section 534 of title 28, United States Code, as added by subsection (a), that includes—

(A) the number of exchanges of records for employment-related purposes made with entities in each State through the records system created under such section 534;

(B) any prolonged failure of a Federal agency to comply with a request by the Attorney General for information about dispositions of arrests; and

(C) the numbers of successful and unsuccessful challenges to the accuracy and completeness of records, organized by the Federal agency from which each record originated.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—RECOGNIZING THE WORK OF FEDERAL LAW ENFORCEMENT AGENCIES, CONDEMNING CALLS TO ''DEFUND'' THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION, AND REJECTING PARTISAN ATTEMPTS TO DEGRADE PUBLIC TRUST IN LAW ENFORCEMENT AGENCIES

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 165

Whereas, on April 5, 2023, former President Donald J. Trump (referred to in this preamble as the ''former President'') called for Congress to defund the Department of Justice and the Federal Bureau of Investigation;

Whereas congressional allies of the former President have agreed that Congress should limit funding for the Department of Justice and the Federal Bureau of Investigation;

Whereas this baseless broadside against Federal law enforcement agencies is just the latest subjugation of law and justice to the parochial legal and political goals of the former President and his allies;

Whereas the United States is a nation of laws, bound together by the simple principle that no person is above those laws, not even a former president;

Whereas Federal law enforcement agencies, led by the Department of Justice and the Federal Bureau of Investigation, work tirelessly every day to promote the general welfare and pursue justice in the United States;

Whereas the Department of Justice and the Federal Bureau of Investigation work every day to investigate and prosecute offenses involving sex trafficking, child pornography, terrorism, violent crime, money laundering, cybercrime, fraud, and much more;

Whereas Congress must reject calls to compromise the safety, livelihood, and well-being of individuals in the United States in an effort to shield select political leaders from accountability;

Whereas a failure to reject partisan efforts to ''defund'' Federal law enforcement agencies will endanger individuals in the United States;

Whereas, in fiscal year 2022, the Department of Justice and the Federal Bureau of Investigation—

(1) investigated and prosecuted 490 defendants for terrorism and secured the convictions of 280 defendants;

(2) investigated and prosecuted 19,107 defendants for violent crime and secured the convictions of 17,924 defendants;

(3) investigated and prosecuted 1,164 defendants for money laundering and secured the convictions of 1,350 defendants; and

(4) investigated and prosecuted 680 defendants for healthcare fraud and secured the convictions of 477 defendants;

Whereas, in fiscal year 2022, the Department of Justice and the Federal Bureau of Investigation returned $476,677,364 in assets to victims; and

Whereas law-abiding individuals across the United States depend on the good work of the Department of Justice and the Federal Bureau of Investigation to promote public safety and the general welfare: Now therefore, be it

Resolved, That the Senate—

(1) recognizes and appreciates the dedication and devotion demonstrated by the men and women of Federal law enforcement agencies who keep the communities of the United States and the United States safe;

(2) condemns calls to ''defund'' the Department of Justice and Federal Bureau of Investigation; and

(3) rejects partisan attempts by former President Donald J. Trump and his allies to degrade public trust in Federal law enforcement agencies for attempted political or legal benefit.

SENATE RESOLUTION 166—HONORING THE EFFORTS OF THE COAST GUARD FOR EXCELLENCE IN MARITIME BORDER SECURITY

Mr. CRUZ (for himself, Mrs. BLACKBURN, Mr. SULLIVAN, Mr. BUDD, Ms. LUMMIS, Mrs. CAPITO, Mr. WICKER, Mr. RUBIO, Mr. VANCE, Mrs. HYDE-SMITH, Mr. TILLIS, Mr. YOUNG, Mr. KENNEDY, Mr. JOHNSON, and Mr. SCOTT of Florida) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 166

Whereas, since 1790, the Coast Guard has safe guarded the people of the United States and promoted national security, border security, and economic prosperity in a complex and evolving maritime environment;

Whereas the over 50,000 members of the Coast Guard—

(1) operate a multi-mission, interoperable fleet of 259 cutters, 200 fixed and rotary-wing aircraft, and over 1,600 boats;

(2) operate 9 Coast Guard Districts and 37 sectors located at strategic ports throughout the country;

(3) exercise operational control of surface and air assets vested in 2 Coast Guard geographical Areas, the Pacific and the Atlantic; and

(4) provide maritime safety and security along more than 95,000 miles of coastline of the United States, Great Lakes, inland waterways, 4,500,000 square miles of exclusive economic zone of the United States, and on the high seas;

Whereas, in fiscal year 2022, through protection of the maritime borders of the United States, the Coast Guard—

(1) interdicted over 330,000 pounds of cocaine, over 60,000 pounds of marijuana, and over 15,000 pounds of other narcotics;

(2) conducted over 6,300 boardings of United States fishing vessels and interdicted approximately 100 foreign fishing incursions; and

(3) interdicted approximately 12,500 illegal immigrants, an increase of 150 percent from 2021; and

Whereas, through selfless and dedicated service, the Coast Guard and Coast Guardsmen have remained ''Always Ready'' to promote the highest level of maritime border security, ensuring the United States and the people of the United States are safeguarded from complex and evolving maritime threats: Now, therefore, be it

Resolved, That the Senate—

(1) is grateful to the men and women who proudly serve in the Coast Guard to protect the people of the United States by ensuring the highest level of maritime border security; and

(2) congratulates the Coast Guard on exemplary service and dedication to the United States.

SENATE RESOLUTION 167—RECOGNIZING THE 30TH ANNIVERSARY OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. CARDIN (for himself, Mr. RUBIO, Ms. ROSEN, and Mr. SCOTT of South Carolina) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas, on April 26, 1993, the United States Holocaust Memorial Museum (referred to in this preamble as the ''Museum'') opened to the public as a permanent living memorial museum to the victims of the Holocaust, following dedication ceremonies days earlier with the President of the United States, the President of the State of Israel, the Chairman of the Holocaust Memorial Council Harvey Meyerhoff, and 1986 Nobel Peace Prize winner and Holocaust survivor Elie Wiesel;

Whereas, for 3 decades, the Museum has been teaching both the history of the Holocaust and the lessons learned from the Holocaust, including lessons about the fragility of democracy, the power of propaganda, and the dangers of hatred, antisemitism, and inaction, to members of the public, especially youth, from all walks of life, including members of underserved communities;

Whereas the aim of the Museum's educational work is to promote self-reflection and critical thinking about the roles and responsibilities of individuals in the world today and catalyze actions to confront hatred, prevent genocide, and promote human dignity;

Whereas, during its first 30 years, the Museum has welcomed over 47,000,000 visitors, including millions of schoolchildren and more than 100 heads of state;

Whereas the Museum has enabled hundreds of Holocaust survivors to share their experiences with tens of thousands of students and the public at the Museum, online, and across the country;

Whereas the Museum has conducted its educational outreach in multiple ways, having—

(1) built the world's most comprehensive collection of Holocaust documentation and a state-of-the-art facility to preserve that collection and make it digitally accessible;

(2) launched the world's leading online authority on the Holocaust, the 20-language Holocaust Encyclopedia, which served 25,000,000 visitors in 2022;

(3) built a robust social media presence that has raised awareness of the Holocaust and related antisemitism and that in 2022 had 2,300,000 followers, 306,000,000 views, and over 56,000,000 engagements;

(4) created Experiencing History, the primary resource on the Holocaust for college and university instructors and their students across multiple disciplines on campuses nationwide;

(5) created foundational guidelines for teaching about the Holocaust and served thousands of teachers nationwide with professional development trainings and classroom resources that emphasize the pivotal role of antisemitism in creating the environment that led to the Holocaust;

(6) traveled exhibitions throughout the country on topics such as the ''1936 Berlin Olympics'', ''Nazi racial science'', ''Nazi propaganda'', and ''Americans and the Holocaust'';

(7) sponsored programs for thousands of law enforcement agents, military personnel, and members of the judiciary to examine the roles of their counterparts during the Holocaust and reflect on their own roles today in preserving democracy;

(8) supported development of the vital field of Holocaust studies, including the research and teachings of hundreds of scholars in the United States and abroad, and foundational publications like the ''The Encyclopedia of Camps and Ghettos, 1933–1945''; and

(9) opened the International Tracing Service Archives, which enables the Museum to provide thousands of survivors and their families with historic documentation pertaining to their individual wartime experiences;

Whereas the Museum has become a well-respected international resource, having—

(1) worked with European Union officials and European governments in Eastern and Western Europe to advance policies and institutions devoted to preserving the memory and relevance of the Holocaust in perpetuity;

(2) raised awareness of the Holocaust in parts of the Middle East and held the first Holocaust remembrance ceremonies in the United Arab Emirates and Egypt; and

(3) helped establish the field of genocide prevention, becoming a resource for policymakers and raising public awareness of populations currently threatened by genocide and mass atrocities, such as the Uyghurs, Rohingya, and Yezidis;

Whereas, more than 75 years after the Holocaust, antisemitism continues to be expressed publicly around the world through the proliferation of hate speech, disinformation, and conspiracy theories that lead to hate crimes and violence, both in the United States and abroad;

Whereas, in 2022, the United Nations General Assembly adopted, by consensus, a resolution that condemns Holocaust denial and encourages the development of programs meant to educate future generations on the horrors of the Holocaust and antisemitism;

Whereas, on June 14, 2021, the Senate unanimously adopted a resolution unequivocally condemning the recent rise in antisemitic violence and harassment targeting Jewish individuals in the United States and standing in solidarity with those affected by antisemitism; and

Whereas the Museum aims to be a global leader in bringing awareness of the Holocaust to audiences worldwide, promoting the relevance of the Holocaust for new generations, building the field of Holocaust education in the United States, and protecting the truth of the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates all those who were responsible for the creation of the United States Holocaust Memorial Museum and all those who have turned that vision into a living and growing memorial and educational resource accessible to the people of the United States and the world;

(2) condemns antisemitism as a particularly pernicious form of hate and racial and religious bigotry and calls on the United States Holocaust Memorial Museum to continue its critical work, in-person and online, educating the public about the dangers of antisemitism and the origins of the Holocaust;

(3) encourages leaders and all individuals in the United States and around the world to utilize the resources available from the United States Holocaust Memorial Museum and speak out against manifestations of antisemitism, bigotry, and hatred against Jewish individuals and communities, including growing online antisemitic harassment, abuse, Holocaust denial, and conspiracy theories;

(4) supports and encourages educational and community-based programs that counter antisemitism and hate, as well as those that advance educational programs about the Holocaust and provide support for Holocaust survivors;

(5) commits to continue to raise awareness and act to eradicate the continuing scourge of antisemitism in the United States and abroad;

(6) designates April 26, 2023, as ''United States Holocaust Memorial Museum Day''; and

(7) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the chair of the United States Holocaust Museum Memorial Council and a copy to the director of the United States Holocaust Memorial Museum.

SENATE RESOLUTION 168—COMMEMORATING THE 62ND ANNIVERSARY OF THE BAY OF PIGS OPERATION AND REMEMBERING THE MEMBERS OF BRIGADA DE ASALTO 2506 (ASSAULT BRIGADE 2506)

Mr. RUBIO (for himself, Mr. CRUZ, and Mr. SCOTT of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 168

Whereas April 17, 2023, marks the 62nd anniversary of the first day of the Bay of Pigs operation, an event held dear in the hearts of many who long for the return of freedom, democracy, and justice to Cuba;

Whereas the Communist dictatorship in Cuba that resulted from the January 1, 1959, revolution in Cuba has systematically denied the Cuban people their most basic human rights and fundamental freedoms;

Whereas, from 1959 until his death in 2016, dictator Fidel Castro, who promised to implement a revolution against tyranny, systematically violated the human rights of the Cuban people, curtailed freedom of the press, arbitrarily imprisoned and killed an untold number of members of the political opposition in Cuba, and confiscated the properties of citizens of Cuba and the United States;

Whereas Fidel Castro's dictatorship supported terrorism by providing safe haven and logistics to terrorist groups and fugitives throughout the world;

Whereas the men and women participating in the Bay of Pigs operation assumed the title of Brigada de Asalto 2506 (Assault Brigade 2506), which was named after the serial number (2506) of Carlos Rodriguez Santana, a founding member of the brigade who died during training exercises in September 1960;

Whereas Assault Brigade 2506 consisted of individuals, primarily Cuban exiles in the United States, from diverse backgrounds, including doctors, nurses, engineers, architects, priests, cooks, musicians, actors, business owners, barbers, bankers, construction workers, office clerks, students, pilots, and many other individuals representing different sectors in Cuba;

Whereas, on April 17, 1961, approximately 1,400 individuals selflessly volunteered to free the Cuban people from tyranny;

Whereas, in the ensuing days, and in the course of a battle against the Cuban military, which was superior in manpower and firepower, more than 100 men lost their lives;

Whereas the events of April 17 through April 20, 1961, ended with the capture and imprisonment of 1,204 members or more than 75 percent of Assault Brigade 2506;

Whereas a large number of the 1,204 captured members of Assault Brigade 2506 were imprisoned in deplorable conditions for close to 18 months, subjected to harsh and inhumane treatment, and later sentenced without due process to 30 years of imprisonment;

Whereas, in September 1961, the Cuban regime executed 5 members of Assault Brigade 2506 who had been captured during the operation;

Whereas 67 members of Assault Brigade 2506 died in combat, including 4 American pilots and 10 Cuban pilots and navigators, 10 members died while trying to flee Cuba on a fishing boat that drifted in the Gulf of Mexico for almost 15 days, 10 members died while being transported to prison by their Cuban captors inside a sealed truck with limited oxygen, 9 members were executed by firing squads, and 3 members died while in prison due to lack of medical attention;

Whereas one of the most heinous acts relating to the operation was ordered by then Captain Osmany Cienfuegos, who forced nearly 100 male prisoners into a closed trailer in which they were transported for 8 hours with limited oxygen;

Whereas the Cuban regime is a party to the Geneva Conventions of 1949, which require the humane treatment of prisoners of war;

Whereas, in March 1962, as the trial of the captured fighters approached, the President of the International Committee of the Red Cross (ICRC) appealed to Cuban dictator Fidel Castro, asking that the provisions of Article 3 of the Geneva Convention relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949, be fully applied, and for permission to visit the prisoners, but all the requests went unanswered;

Whereas the 1,113 members of Assault Brigade 2506 who finally returned to the United States after the operation have made significant and valuable contributions to the United States, while never forgetting their beloved homeland;

Whereas, on December 29, 1962, President John Fitzgerald Kennedy was presented with the banner of Assault Brigade 2506 that had reached the shores of Cuba during the operation, and the President pledged, ''I can assure you that this flag will be returned to this brigade in a free Havana.'';

Whereas, on April 24, 1986, a joint resolution (Public Law 99–279; 100 Stat. 398) was approved ''Commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.'';

Whereas Cuba's authoritarian regime continues to arbitrarily detain thousands of critics, activists, and opponents and continues to deny the people of Cuba the ability to vote in free, fair, multiparty elections with independent and opposition candidates;

Whereas Cuba's authoritarian regime has actively fostered and supported anti-democratic parties and actors throughout the Western Hemisphere, including the regimes of Nicaragua and Venezuela;

Whereas Cuba is designated as a state sponsor of terrorism by the Department of State; and

Whereas the Cuban people continue to struggle and demand respect for democratic values, civil liberties, freedom, and justice: Now, therefore, be it

Resolved, That the Senate—

(1) remembers all the veterans of Brigada de Asalto 2506 (Assault Brigade 2506), both living and deceased;

(2) honors the courageous veterans of Assault Brigade 2506 who fought for freedom, including those who suffered torture or perished in the struggle for a democratic Cuba;

(3) calls on the Government of the United States to continue to support policies that promote the respect for democratic principles, civil liberties, freedom, and justice in Cuba, in a manner consistent with the aspirations of the Cuban people;

(4) recognizes that individual members of Assault Brigade 2506 later joined the United States Armed Forces and fought in the Vietnam war;

(5) calls for the international community to support and express solidarity with the Cuban people in their demands for freedom against the Communist regime; and

(6) recognizes that many veterans of the Bay of Pigs operation settled across the United States to become productive members of the society of the United States, including public officials and industry leaders.

SENATE RESOLUTION 169—EXPRESSING THE SENSE OF THE SENATE THAT SECRETARY OF HOMELAND SECURITY ALEJANDRO NICHOLAS MAYORKAS DOES NOT HAVE THE CONFIDENCE OF THE SENATE OR OF THE AMERICAN PEOPLE TO FAITHFULLY CARRY OUT THE DUTIES OF HIS OFFICE

Mr. MARSHALL (for himself, Mr. BRAUN, Mr. CRAPO, Mr. CRUZ, Mr. HAWLEY, Mr. RISCH, Mr. SCOTT of Florida, Mr. SCHMITT, Mr. JOHNSON, Ms. LUMMIS, Mr. LEE, Mr. RUBIO, Mr. VANCE, Mrs. BLACKBURN, and Mr. BUDD) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 169

Whereas while serving as Secretary of Homeland Security, Alejandro Nicholas Mayorkas, in violation of his constitutional oath, has engaged in a pattern of conduct that is incompatible with his constitutional and statutory duties as Secretary of Homeland Security, including by—

(1) failing to ''take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States'', as required under section 2(a) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note), which includes ''the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband'', as evidenced by—

(A) more than 5,500,000 illegal aliens crossing the United States southern border during Secretary Mayorkas' term in office, including aliens encountered by U.S. Customs and Border Protection and known got-aways, and 20 consecutive months with more than 150,000 illegal border crossings;

(B) the apprehension of 98 individuals that match records within the Terrorist Screening Database at the southern border during fiscal year 2022, which is more such apprehensions than occurred during the previous 5 years combined, and the apprehension of 80 such individuals during fiscal year 2023 to date, which may lead to a higher rate of apprehensions of such individuals during fiscal year 2023 than took place during fiscal year 2022; and

(C) the failure of the Department of Homeland Security, under the leadership of Secretary Mayorkas, to comply with provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which require the detention of inadmissible aliens arriving in the United States or aliens who are physically present in the United States without inspection until processed, and the implementation by Secretary Mayorkas of unlawful and misguided catch-and-release directives, such as the Notice to Report process and the parole plus Alternatives to Detention process, which have resulted in the reckless release of more than 1,000,000 illegal aliens into the interior of the United States; and

(2) gravely endangering the national security of the United States, undermining the operational control of our southern border, and encouraging illegal immigration by—

(A) terminating contracts for additional border wall construction for which Congress appropriated funding; and

(B) issuing memoranda rescinding the Migrant Protection Protocols (commonly known as ''Remain in Mexico''), which was an indispensable tool to address the border crisis and restore integrity to the immigration system;

Whereas Secretary Mayorkas, in the memorandum announcing the termination of the Migrant Protection Protocols program (MPP) on June 1, 2021, acknowledged, ''some removal proceedings conducted pursuant to MPP were completed more expeditiously than is typical for non-detained cases'';

Whereas Federal authorities seized more than 14,000 pounds of illicit fentanyl along the southwest border during fiscal year 2022 and 13,800 pounds of illicit fentanyl during fiscal year 2023 to date, which is evidence of increased efforts by transnational criminal organizations to traffic dangerous substances into the United States;

Whereas, according to the Centers for Disease Control and Prevention, more than 107,000 Americans died of drug overdoses in 2021, which exceeds the number of such deaths in any previous year, and ⅔ of such deaths were caused by synthetic opioids (primarily fentanyl);

Whereas under the leadership of Secretary Mayorkas, the Department of Homeland Security formally opposed efforts to keep in place the order of suspension issued by the Director of the Centers for Disease Control and Prevention under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the COVID–19 pandemic (commonly known as the ''title 42 order'') in order to prevent a crisis on the southern border;

Whereas with the termination of the title 42 order, the Department of Homeland Security is planning to reroute asylum and parole applicants through the CBP One mobile application and formal parole programs in order to obscure border encounter numbers;

Whereas on multiple occasions while serving as Secretary of Homeland Security, Alejandro Nicholas Mayorkas, in violation of his constitutional oath, has willfully provided perjurious, or false and misleading testimony to Congress, including—

(1) on April 28, 2022, during a hearing of the Committee on the Judiciary of the House of Representatives, by responding to Congressman Chip Roy's question, ''Will you testify

under oath that we have operational control of the border?'', with ''Yes we do'', despite the fact that, the term ''operational control'' has been defined in law as ''the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband''; and

(2) on November 15, 2022, during a hearing of the Committee on Homeland Security of the House of Representatives, by responding to Congressman Dan Bishop's question, ''Do you continue to maintain that the border is secure?'', with ''Yes, and we are working day in and day out to enhance security, Congressman.'';

Whereas section 1621 of title 18, United States Code, clearly states that anyone under oath who ''willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true'' is guilty of perjury and shall be fined or imprisoned not more than 5 years, or both;

Whereas the record-breaking number of illegal alien encounters, including more 1,000,000 known ''got-aways'', and the record seizures of deadly fentanyl and other contraband, confirm that Secretary Mayorkas has not taken all actions necessary to ensure operational control of the southern border, as required by law;

Whereas U.S. Border Patrol Chief Raul Ortiz, in a field hearing before the Committee on Homeland Security of the House of Representatives, stated that U.S. Border Patrol does not have operational control of the border, which directly contradicts Secretary Mayorkas' April 2022 testimony to the Committee on the Judiciary of the House of Representatives;

Whereas in September 2021, while Alejandro Nicholas Mayorkas was serving as Secretary of Homeland Security—

(1) approximately 15,000 Haitian migrants crossed the border from Mexico into the United States and were concentrated in an encampment underneath the international bridge between Mexico and the Del Rio, Texas, Port of Entry and in surrounding areas;

(2) mounted Border Patrol agents and troopers with the Texas Department of Public Safety dispersed a large group of migrants gathered near a boat ramp located in the United States along the Rio Grande River, approximately 500 yards east of the Del Rio Port of Entry and then attempted to stop the flow of all migrants illegally crossing the Rio Grande River into the United States at that location;

(3) within hours of the incident described in paragraph (2)—

(A) images and video surfaced on social media that showed multiple Border Patrol agents on horseback using their horses to keep several illegal immigrants from entering the United States after crossing the Rio Grande in Del Rio, Texas;

(B) extremist liberal activists rushed to judgement and falsely accused the agents of whipping the illegal immigrants with their horse reins, in spite of a statement by the photographer that the pictures were misconstrued as showing abusive behavior; and

(C) some activists made the disgusting false equivalency to slavery; and

(4) Secretary Mayorkas, after Assistant Secretary of Homeland Security for Public Affairs Marsha Espinosa emailed to him a news article explaining that the photographer who took the images did not see the agents whipping anyone—

(A) misled the general public by publicly supporting the Biden administration's false narrative that Border Patrol agents whipped Haitian migrants;

(B) participated in a White House press conference during which he publicly and falsely slandered the Border Patrol agents referred to in paragraph (2), calling the images ''horrifying'' and an example of ''systemic racism'';

Whereas a 511-page report by the U.S. Customs and Border Protection's Office of Personal Responsibility found ''no evidence that [Border Patrol agents] involved in this incident struck, intentionally or otherwise, any migrant with their reins'';

Whereas the National Border Patrol Council, which is the labor union representing Border Patrol agents and support staff, is considering supporting the impeachment of Secretary Mayorkas;

Whereas the actions of Secretary Mayorkas' department have encouraged foreign nationals to attempt to illegally enter the United States at historic levels, as evidenced by 251,012 enforcement encounters along the southern border in December 2022, which is the highest number of encounters ever recorded in a single month;

Whereas a major component of these failed immigration enforcement policies is the Department of Homeland Security's disregard for its responsibility to enforce Federal immigration laws, including Secretary Mayorkas' abuse of discretion in granting humanitarian parole, which, according to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A), is only to be used on a ''case-by-case basis for urgent humanitarian reasons or significant public benefit'', and has been used by Secretary Mayorkas' department to grant parole en masse on multiple occasions, including new ''Processes for Cubans, Haitians, Nicaraguans, and Venezuelans'', which was announced in October 2022 and expanded in January 2023;

Whereas the policies of the Department of Homeland Security, under the leadership of Secretary Mayorkas, have encouraged increased numbers of unaccompanied migrant children to enter the United States during the 2-year period immediately preceding the date on which this resolution was introduced, with large numbers of such children revealed by the New York Times to have been forced into dangerous jobs in violations of child labor laws;

Whereas on March 28, 2023, Ranking Member Senator Lindsey Graham, during a hearing of the Committee on the Judiciary of the Senate, pointed out that under Secretary Mayorkas' watch—

(1) the southern border of the United States ''has gone from the lowest illegal crossings in December 2020 to all-time highs with over 2,000,000 last fiscal year'';

(2) ''fentanyl is coming in at a pace we have never seen''; and

(3) ''more terrorists on the watch list are coming than any time since we've been measuring these things'';

Whereas during the same hearing, Senator Josh Hawley—

(1) compared the CBP One mobile application used to schedule appointments and request humanitarian parole and asylum to ''a concierge service for illegal immigrants''; and

(2) commented to Secretary Mayorkas, ''rather than building a wall, Mr. Secretary, you have built Ticketmaster for illegal immigrants''; and

Whereas during the same hearing—

(1) Secretary Mayorkas told Senator Ted Cruz that he did not recognize wristbands abandoned along the border, which cartels commonly use for human smuggling and trafficking and which act as a sort of registration system, with different colors and patterns denoting the cartel responsible, how many times a person has attempted to cross, and how much they owe to the cartel; and

(2) Senator Cruz replied in frustration to Senator Mayorkas by calling him incompetent and telling him, ''If you had integrity, you would resign.'':

Now, therefore, be it

Resolved,

That it is the sense of the Senate that Secretary Alejandro Nicholas Mayorkas no longer holds the confidence of the Senate or of the American people to faithfully carry out his duties as Secretary of Homeland Security.

AMENDMENTS SUBMITTED AND PROPOSED

SA 87. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 326, to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 87. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 326, to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Programs Improvement Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENTS TO HOME AND COMMUNITY BASED SERVICES

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Coordination with Program of All-Inclusive Care for the Elderly.
Sec. 104. Home and community based services: programs.
Sec. 105. Coordination with assistance and support services for caregivers.
Sec. 106. Development of centralized website for program information.
Sec. 107. Improvements relating to Home Maker and Home Health Aide program.
Sec. 108. Reviews and other improvements relating to home and community based services.

TITLE II—IMPROVEMENTS TO FAMILY CAREGIVER PROGRAM

Sec. 201. Modification of family caregiver program of Department of Veterans Affairs to include services related to mental health and neurological disorders.
Sec. 202. Requirements relating to evaluations, assessments, and reassessments relating to eligibility of veterans and caregivers for family caregiver program.
Sec. 203. Authority for Secretary of Veterans Affairs to award grants to entities to improve provision of mental health support to family caregivers of veterans.
Sec. 204. Comptroller General report on mental health support for caregivers.

TITLE III—MEDICINAL CANNABIS RESEARCH

Sec. 301. Definitions.
Sec. 302. Department of Veterans Affairs large-scale, mixed methods, retrospective qualitative study on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder.
Sec. 303. Department of Veterans Affairs clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder.
Sec. 304. Administration of study and clinical trials.

TITLE IV—HOUSING MATTERS

Sec. 401. Improvements to program for direct housing loans made to Native American veterans by the Secretary of Veterans Affairs.
Sec. 402. Native community development financial institution relending program.
Sec. 403. Department of Veterans Affairs housing loan fees.

TITLE V—OTHER MATTERS

Sec. 501. Authority for Secretary of Veterans Affairs to award grants to States to improve outreach to veterans.

TITLE I—IMPROVEMENTS TO HOME AND COMMUNITY BASED SERVICES

SEC. 101. SHORT TITLE.

This title may be cited as the ''Elizabeth Dole Home Care Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) CAREGIVER; FAMILY CAREGIVER.—The terms ''caregiver'' and ''family caregiver'' have the meanings given those terms under section 1720K(g) of title 38, United States Code (as added by section 104(a)(1)).

(2) COVERED PROGRAM.—The term ''covered program''—

(A) means any program of the Department for home and community based services; and

(B) includes the programs specified in section 1720K of title 38, United States Code (as added by section 104(a)(1)).

(3) DEPARTMENT.—The term ''Department'' means the Department of Veterans Affairs.

(4) HOME AND COMMUNITY BASED SERVICES.—The term ''home and community based services''—

(A) means the services referred to in section 1701(6)(E) of title 38, United States Code; and

(B) includes services furnished under a program specified in section 1720K of such title (as added by section 104(a)(1)).

(5) HOME BASED PRIMARY CARE PROGRAM; HOME MAKER AND HOME HEALTH AIDE PROGRAM; VETERAN DIRECTED CARE PROGRAM.—The terms ''Home Based Primary Care program'', ''Home Maker and Home Health Aide program'', and ''Veteran Directed Care program'' mean the programs of the Department specified in subsections (d), (c), and (b) of such section 1720K, respectively.

(6) HOME HEALTH AIDE; NATIVE AMERICAN VETERAN, TRIBAL HEALTH PROGRAM; URBAN INDIAN ORGANIZATION.—The terms ''home health aide'', ''Native American veteran'', ''tribal health program'', and ''Urban Indian organization'' have the meanings given those terms in subsection (g) of such section 1720K.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Veterans Affairs.

(8) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary under section 5902 of title 38, United States Code.

SEC. 103. COORDINATION WITH PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.

Section 1720C of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f) In furnishing services to a veteran under the program conducted pursuant to subsection (a), if a medical center of the Department through which such program is administered is located in a geographic area in which services are available to the veteran under a PACE program (as such term is defined in sections 1894(a)(2) and 1934(a)(2) of the Social Security Act (42 U.S.C. 1395eee(a)(2); 1396u–4(a)(2))), the Secretary shall establish a partnership with the PACE program operating in that area for the furnishing of such services.''.

SEC. 104. HOME AND COMMUNITY BASED SERVICES: PROGRAMS.

(a) PROGRAMS.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1720J the following new section:

''§ 1720K. Home and community based services: programs

''(a) IN GENERAL.—In furnishing non-institutional alternatives to nursing home care under the authority of section 1720C of this title (or any other authority under this chapter or other provision of law administered by the Secretary of Veterans Affairs), the Secretary shall carry out each of the programs specified in this section in accordance with such relevant authorities except as otherwise provided in this section.

''(b) VETERAN DIRECTED CARE PROGRAM.—(1) The Secretary of Veterans Affairs, in collaboration with the Secretary of Health and Human Services, shall carry out a program to be known as the 'Veteran Directed Care program' under which the Secretary of Veterans Affairs may enter into agreements with the providers described in paragraph (2) to provide to eligible veterans funds to obtain such in-home care services and related items that support clinical need and improve quality of life as determined appropriate by the Secretary of Veterans Affairs and selected by the veteran, including through the veteran hiring individuals to provide such services and items or directly purchasing such services and items.

''(2) The providers described in this paragraph are the following:

''(A) An Aging and Disability Resource Center, an area agency on aging, or a State agency.

''(B) A center for independent living.

''(C) Any other entity as determined appropriate by the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services.

''(3) In carrying out the Veteran Directed Care program, the Secretary of Veterans Affairs shall—

''(A) administer such program through each medical center of the Department of Veterans Affairs;

''(B) ensure the availability of such program in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States; and

''(C) ensure the availability of such program for eligible veterans who are Native American veterans receiving care and services furnished by the Indian Health Service, a tribal health program, an Urban Indian organization, or (in the case of a Native Hawaiian veteran) a Native Hawaiian health care system.

''(4) If a veteran participating in the Veteran Directed Care program is hospitalized, the veteran may continue to use funds under the program during a period of hospitalization in the same manner that the veteran would be authorized to use such funds under the program if the veteran were not hospitalized, as determined appropriate by the Secretary.

''(c) HOME MAKER AND HOME HEALTH AIDE PROGRAM.—(1) The Secretary shall carry out a program to be known as the 'Home Maker and Home Health Aide program' under which the Secretary may enter into agreements with home health agencies to provide to eligible veterans such home health aide services as may be determined appropriate by the Secretary.

''(2) In carrying out the Home Maker and Home Health Aide program, the Secretary shall ensure the availability of such program—

''(A) in the locations specified in subparagraph (B) of subsection (b)(3); and

''(B) for the veteran populations specified in subparagraph (C) of such subsection.

''(d) HOME BASED PRIMARY CARE PROGRAM.—The Secretary shall carry out a program to be known as the 'Home Based Primary Care program' under which the Secretary may furnish to eligible veterans in-home health care, the provision of which is overseen by a health care provider of the Department.

''(e) PURCHASED SKILLED HOME CARE PROGRAM.—The Secretary shall carry out a program to be known as the 'Purchased Skilled Home Care program' under which the Secretary may furnish to eligible veterans such in-home care services as may be determined appropriate and selected by the Secretary for the veteran.

''(f) CAREGIVER SUPPORT.—(1) With respect to a caregiver of a veteran participating in a program under this section who is a family caregiver, the Secretary shall—

''(A) if the veteran meets the requirements of a covered veteran under section 1720G(b) of this title, provide to such caregiver the option of enrolling in the program of general caregiver support services under such section;

''(B) subject to paragraph (2), provide to such caregiver not fewer than 14 days of covered respite care each year; and

''(C) conduct on an annual basis (and, to the extent practicable, in connection with in-person services provided under the program in which the veteran is participating), a wellness check of such caregiver.

''(2) The Secretary shall provide not fewer than 30 days of covered respite care each year to any caregiver who provides services funded under the Veteran Directed Care program under subsection (b).

''(3) Covered respite care provided to a caregiver of a veteran under paragraph (1) or (2), as the case may be, may exceed 14 days annually or 30 days annually, respectively, if an extension is requested by the caregiver or veteran and determined medically appropriate by the Secretary.

''(g) DEFINITIONS.—In this section:

''(1) The terms 'Aging and Disability Resource Center', 'area agency on aging', and 'State agency' have the meanings given those terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(2) The terms 'caregiver' and 'family caregiver', with respect to a veteran, have the meanings given those terms, respectively, under subsection (d) of section 1720G of this title with respect to an eligible veteran under subsection (a) of such section or a covered veteran under subsection (b) of such section, as the case may be.

''(3) The term 'center for independent living' has the meaning given that term in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a).

''(4) The term 'covered respite care' means, with respect to a caregiver of a veteran, respite care that—

''(A) includes 24-hour per day care of the veteran commensurate with the care provided by the caregiver;

''(B) is medically and age-appropriate; and

''(C) includes in-home care services.

''(5) The term 'eligible veteran' means any veteran—

''(A) for whom the Secretary determines participation in a specific program under this section is medically necessary to promote, preserve, or restore the health of the veteran; and

''(B) who absent such participation would be at increased risk for hospitalization, placement in a nursing home, or emergency room care.

''(6) The term 'home health aide' means an individual employed by a home health agency to provide in-home care services.

''(7) The term 'in-home care service' means any service, including a personal care service, provided to enable the recipient of such service to live at home.

''(8) The term 'Native American veteran' has the meaning given that term in section 3765 of this title.

''(9) The terms 'Native Hawaiian' and 'Native Hawaiian health care system' have the meanings given those terms in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

''(10) The terms 'tribal health program' and 'Urban Indian organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1720J the following new item:

''1720K. Home and community based services: programs.''.

(b) DEADLINE FOR IMPROVED ADMINISTRATION.—The Secretary shall ensure that the Veteran Directed Care program and the Home Maker and Home Health Aide program are administered through each medical center of the Department in accordance with section 1720K of title 38, United States Code (as added by subsection (a)(1)), by not later than two years after the date of the enactment of this Act.

(c) ADMINISTRATION OF VETERAN DIRECTED CARE PROGRAM.—

(1) PROCEDURES.—The Secretary shall establish procedures to identify staffing needs for the Program and define the roles and responsibilities of personnel of the Program at the national, Veterans Integrated Service Network, and facility levels, including responsibilities for engagement with veterans participating in the Program, veterans interested in the Program, and providers described in section 1720K(b)(2), as added by subsection (a)(1).

(2) STAFFING MODEL.—

(A) IN GENERAL.—The Secretary shall establish a staffing model for the administration of the Program at each medical center of the Department.

(B) STAFFING RATIO.—The Secretary shall establish a staffing ratio for administration of the Program at each facility of the Department at which the Program is carried out, which shall include a specified number of full-time equivalent employees, with no collateral duties, per number of veterans served by the Program.

(3) FUNDING FOR PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop methods for tracking and reporting demand by veterans for and use by veterans of services under the Program to inform yearly cost estimates for the Program.

(B) DEDICATED FUNDING.—The Secretary shall ensure each medical center of the Department receives dedicated funding for administration and staffing of the Program, tailored to demand for and use of the Program at such medical center.

(C) SEPARATE FUNDING.—Funding provided to carry out the Program shall be separate from any other funding for the purchased long term services and supports programs of the Department.

(4) PROGRAM DEFINED.—In this subsection, the term ''Program'' means the Veteran Directed Care program.

SEC. 105. COORDINATION WITH ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

(a) COORDINATION WITH PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS.—

(1) COORDINATION.—Section 1720G(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(14)(A) In the case of a veteran or caregiver who seeks services under this subsection and is denied such services, or a veteran or the family caregiver of a veteran who is discharged from the program under this subsection, the Secretary shall—

''(i) if the veteran meets the requirements of a covered veteran under subsection (b), provide to such caregiver the option of enrolling in the program of general caregiver support services under such subsection;

''(ii) assess the veteran or caregiver for participation in any other available program of the Department for home and community based services (including the programs specified in section 1720K of this title) for which the veteran or caregiver may be eligible and, with respect to the veteran, store (and make accessible to the veteran) the results of such assessment in the electronic medical record of the veteran; and

''(iii) provide to the veteran or caregiver written information on any such program identified pursuant to the assessment under clause (ii), including information about facilities, eligibility requirements, and relevant contact information for each such program.

''(B)(i) Subject to clause (ii), for each veteran or family caregiver who is discharged from the program under this subsection, a caregiver support coordinator shall provide for a smooth and personalized transition from such program to an appropriate program of the Department for home and community based services (including the programs specified in section 1720K of this title), including by integrating caregiver support across programs.

''(ii) To the extent practicable, the Secretary shall not discharge a veteran or family caregiver from the program under this subsection until appropriate home and community based services are selected by the veteran or caregiver and are being provided to the veteran and caregiver pursuant to clause (i).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to denials and discharges described in paragraph (14) of such section, as added by paragraph (1), occurring on or after the date of the enactment of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1720G(d) of such title is amended—

(1) by striking ''or a covered veteran'' each place it appears and inserting '', a veteran denied or discharged as specified in paragraph (14) of such subsection, or a covered veteran''; and

(2) by striking ''under subsection (a), means'' each place it appears and inserting ''under subsection (a) or a veteran denied or discharged as specified in paragraph (14) of such subsection, means''.

(c) REVIEW RELATING TO CAREGIVER CONTACT.—The Secretary shall conduct a review of the capacity of the Department to establish a streamlined system for contacting all caregivers enrolled in the program of general caregiver support services under section 1720G(b) of title 38, United States Code, to provide to such caregivers program updates and alerts relating to emerging services for which such caregivers or the veterans for which they provide care may be eligible.

SEC. 106. DEVELOPMENT OF CENTRALIZED WEBSITE FOR PROGRAM INFORMATION.

(a) CENTRALIZED WEBSITE.—The Secretary shall develop and maintain a centralized and publicly accessible internet website of the Department as a clearinghouse for information and resources relating to covered programs.

(b) CONTENTS.—The website under subsection (a) shall contain the following:

(1) A description of each covered program.

(2) An informational assessment tool that enables users to—

(A) assess the eligibility of a veteran, or a caregiver of a veteran, for any covered program; and

(B) receive information, as a result of such assessment, on any covered program for which the veteran or caregiver (as the case may be) may be eligible.

(3) A list of required procedures for the directors of medical facilities of the Department to follow in determining the eligibility and suitability of veterans for participation in a covered program, including procedures applicable to instances in which the resource constraints of a facility (or of a community in which a facility is located) may result in the inability to address the health needs of a veteran under a covered program in a timely manner.

(c) UPDATES.—The Secretary shall ensure the website under subsection (a) is updated on a periodic basis.

SEC. 107. IMPROVEMENTS RELATING TO HOME MAKER AND HOME HEALTH AIDE PROGRAM.

(a) PILOT PROGRAM FOR COMMUNITIES WITH SHORTAGE OF HOME HEALTH AIDES.—

(1) PROGRAM.—Not later than two years after the date of the enactment of this Act, the Secretary shall carry out a pilot program under which the Secretary shall provide home maker and home health aide services to veterans who reside in communities with a shortage of home health aides.

(2) LOCATIONS.—The Secretary shall select 10 geographic locations in which the Secretary determines there is a shortage of home health aides at which to carry out the pilot program under paragraph (1).

(3) NURSING ASSISTANTS.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Secretary may hire nursing assistants as new employees of the Department, or reassign nursing assistants who are existing employees of the Department, to provide to veterans in-home care services (including basic tasks authorized by the State certification of the nursing assistant) under the pilot program, in lieu of or in addition to the provision of such services through non-Department home health aides.

(B) RELATIONSHIP TO EXISTING PROGRAMS.—Nursing assistants hired or reassigned under subparagraph (A) may provide services to a veteran under the pilot program under paragraph (1) while serving as part of a health care team for the veteran under the Home Based Primary Care program or any other program as determined appropriate by the Secretary.

(4) DURATION.—The pilot program under paragraph (1) shall be for a duration of three years.

(5) REPORT TO CONGRESS.—Not later than one year prior to the termination of the pilot program under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the pilot program as of the date of the report and the feasibility and advisability of extending the pilot program or making the pilot program permanent.

(b) REPORT ON USE OF FUNDS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing, with respect to the period beginning in fiscal year 2011 and ending in fiscal year 2022, the following:

(1) An identification of the amount of funds that were included in a budget of the Department during such period for the provision of in-home care to veterans under the Home Maker and Home Health Aide program in effect during such period but were not expended for the provision of such care, disaggregated by medical center of the Department for which such unexpended funds were budgeted.

(2) An identification of the number of veterans for whom, during such period, the hours during which a home health aide was authorized to provide services to the veteran under such program were reduced, including a detailed description of why such reduction occurred, such as clinical need or provider availability.

(c) UPDATED GUIDANCE ON PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue updated guidance for the Home Maker and Home Health Aide program.

(2) MATTERS TO INCLUDE.—Guidance updated under paragraph (1) shall include the following:

(A) A process for the transition of veterans from the Home Maker and Home Health Aide program to other covered programs.

(B) A requirement for the directors of the medical facilities of the Department to complete such process whenever a veteran with care needs has been denied services from home health agencies under the Home Maker and Home Health Aide program as a result of the clinical needs or behavioral issues of the veteran.

SEC. 108. REVIEWS AND OTHER IMPROVEMENTS RELATING TO HOME AND COMMUNITY BASED SERVICES.

(a) OFFICE OF GERIATRIC AND EXTENDED CARE.—

(1) REVIEW OF PROGRAMS.—The Under Secretary for Health of the Department shall conduct a review of each program administered through the Office of Geriatric and Extended Care of the Department or the Caregiver Support Program Office of the Department, or any successor office, to—

(A) ensure consistency in program management;

(B) eliminate service gaps at the medical center level;

(C) ensure the clinical needs of veterans are being met;

(D) ensure the availability of, and the access by veterans to, home and community based services, including for veterans living in rural areas; and

(E) ensure proper coordination between covered programs.

(2) ASSESSMENT OF STAFFING NEEDS.—The Secretary shall conduct an assessment of the staffing needs of the Office of Geriatric and Extended Care of the Department and the Caregiver Support Program Office of the Department, or any successor office.

(3) GOALS FOR GEOGRAPHIC ALIGNMENT OF CARE.—

(A) ESTABLISHMENT OF GOALS.—The Director of the Office of Geriatric and Extended Care and the head of the Caregiver Support Program Office, or the head of any successor office, shall establish quantitative goals to enable aging or disabled veterans who are not located near medical centers of the Department to access extended care services (including by improving access to home and community based services for such veterans).

(B) IMPLEMENTATION TIMELINE.—Each goal established under subparagraph (A) shall include a timeline for the implementation of the goal at each medical center of the Department.

(4) GOALS FOR IN-HOME SPECIALTY CARE.—The Director of the Office of Geriatric and Extended Care and the head of the Caregiver Support Program Office, or the head of any successor office, shall establish quantitative goals to address the specialty care needs of veterans through in-home care, including by ensuring the education of home health aides and caregivers of veterans in the following areas:

(A) Dementia care.

(B) Care for spinal cord injuries and diseases.

(C) Ventilator care.

(D) Other speciality care areas as determined by the Secretary.

(5) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the findings of the review under paragraph (1), the results of the assessment under paragraph (2), and the goals established under paragraphs (3) and (4).

(b) REVIEW OF INCENTIVES AND EFFORTS RELATING TO HOME AND COMMUNITY BASED SERVICES.—

(1) REVIEW.—The Secretary shall conduct a review of the following:

(A) The financial and organizational incentives and disincentives for the directors of medical centers of the Department to establish or expand covered programs at such medical centers.

(B) Any incentives or disincentives for such directors to provide to veterans home and community based services in lieu of institutional care.

(C) The efforts taken by the Secretary to enhance spending of the Department for extended care by balancing spending between institutional care and home and community based services.

(D) The plan of the Under Secretary for Health of the Department to accelerate efforts to enhance spending as specified in subparagraph (C), to match the progress of similar efforts taken by the Administrator of the Centers for Medicare & Medicaid Services with respect to spending of the Centers for Medicare & Medicaid Services for extended care.

(2) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the review under paragraph (1).

(c) REVIEW OF RESPITE CARE SERVICES.—Not later than two years after the date of the enactment of this Act, the Secretary shall conduct a review of the use, availability, cost, and effectiveness of the respite care services furnished by the Secretary under chapter 17 of title 38, United States Code, to include—

(1) the frequency in which Department is unable to meet the need for such services;

(2) a detailed description of why the Department is unable to meet the need for such services; and

(3) a detailed description of the actions the Department has taken or plans to take to ensure that the need for such services is met.

(d) COLLABORATION TO IMPROVE HOME AND COMMUNITY BASED SERVICES.—

(1) FEEDBACK AND RECOMMENDATIONS ON CAREGIVER SUPPORT.—

(A) FEEDBACK AND RECOMMENDATIONS.—The Secretary shall solicit from the entities described in subparagraph (B) feedback and recommendations regarding opportunities for the Secretary to enhance home and community based services for veterans and caregivers of veterans, including through the potential provision by the entity of care and respite services to veterans and caregivers who may not be eligible for any program under section 1720G of title 38, United States Code, or section 1720K of such title (as added by section 104(a)(1)), but have a need for assistance.

(B) COVERED ENTITIES.—The entities described in this subparagraph are veterans service organizations and nonprofit organizations with a focus on caregiver support or long-term care (as determined by the Secretary).

(2) COLLABORATION FOR NATIVE AMERICAN VETERANS.—The Secretary shall collaborate with the Director of the Indian Health Service and representatives from tribal health programs and Urban Indian organizations to ensure the availability of home and community based services for Native American veterans, including Native American veterans receiving health care and medical services under multiple health care systems.

TITLE II—IMPROVEMENTS TO FAMILY CAREGIVER PROGRAM

SEC. 201. MODIFICATION OF FAMILY CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE SERVICES RELATED TO MENTAL HEALTH AND NEUROLOGICAL DISORDERS.

(a) IN GENERAL.—Section 1720G of title 38, United States Code, as amended by section 105, is further amended—

(1) in subsection (a)—

(A) in paragraph (2)(C)(ii), by striking ''neurological'' and inserting ''a neurological disorder'';

(B) in paragraph (3)—

(i) in subparagraph (A)(ii)(II), by inserting '', including through public or private entities'' before the semicolon; and

(ii) in subparagraph (C), by adding at the end the following new clause:

''(v)(I) For purposes of determining the amount and degree of personal care services provided under clause (i) with respect to a veteran described in subclause (II), the Secretary shall take into account relevant documentation evidencing the provision of personal care services with respect to the veteran during the preceding three-year period.

''(II) A veteran described in this subclause is a veteran whose need for personal care services as described in paragraph (2)(C) is based in whole or in part on—

''(aa) a diagnosis of mental illness or history of suicidal ideation that puts the veteran at risk of self-harm; or

''(bb) a neurological disorder.''; and

(C) by adding at the end the following new paragraph:

''(15) The Secretary shall establish a process and requirements for clinicians of facilities of the Department—

''(A) to document incidents in which an eligible veteran participating in the program established under paragraph (1)—

''(i) presents at such a facility for treatment for an emergent or urgent mental health crisis; or

''(ii) is assessed by such a clinician to be at risk for suicide; and

''(B) to provide such documentation, including any safety plans developed and referrals made to a suicide prevention coordinator of the Department, to such program.'';

(2) in subsection (b)(2)(B), by striking ''neurological'' and inserting ''a neurological disorder''; and

(3) in subsection (d)—

(A) by redesignating paragraph (4) as paragraph (5);

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) the term 'neurological disorder' means a disease of the brain, spinal cord, nerves, or neuromuscular system.''; and

(C) in paragraph (5)(B), as redesignated by subparagraph (A), by striking ''neurological'' and inserting ''a neurological disorder''.

(b) TIMING FOR ESTABLISHMENT OF REQUIREMENTS AND PROCESSES.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish the process and requirements required under paragraph (15) of section 1720G(a) of title 38, United States Code, as added by subsection (a)(1)(B); and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a description of such process and requirements.

(2) CERTIFICATION.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall require all clinicians of facilities of the Department to certify to the Secretary that the clinician understands the process and requirements established under paragraph (1)(A).

(B) FACILITIES OF THE DEPARTMENT DEFINED.—In this paragraph, the term ''facilities of the Department'' has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 202. REQUIREMENTS RELATING TO EVALUATIONS, ASSESSMENTS, AND REASSESSMENTS RELATING TO ELIGIBILITY OF VETERANS AND CAREGIVERS FOR FAMILY CAREGIVER PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1720G of title 38, United States Code, as amended by section 201(a)(1), is further amended by adding at the end the following new paragraphs:

''(16)(A) For purposes of conducting evaluations and assessments to determine eligibility of a veteran and caregiver for the program established under paragraph (1) or conducting reassessments to determine continued eligibility for such program, the Secretary shall—

''(i) take into account relevant documentation and medical records generated by Department and non-Department health care providers, including qualified mental health professionals and neurological specialists;

''(ii) if the caregiver of the veteran claims that the serious injury or need for personal care services of the veteran as described in paragraph (2) is based in whole or in part on psychological trauma or another mental disorder, ensure—

''(I) a qualified mental health professional that treats the veteran participates in the evaluation process; and

''(II) a qualified mental health professional participates in the assessment or reassessment process; and

''(iii) if the caregiver of the veteran claims that the serious injury or need for personal care services of the veteran as described in paragraph (2) is based in whole or in part on a neurological disorder, ensure—

''(I) a neurological specialist that treats the veteran participates in the evaluation process; and

''(II) a neurological specialist participates in the assessment or reassessment process.

''(B)(i) The Secretary shall establish an appropriate time limit during a 24-hour period for the active participation of a veteran in an evaluation, assessment, or reassessment to determine eligibility of the veteran for the program established under paragraph (1).

''(ii) In determining an appropriate time limit for a veteran under clause (i), the Secretary shall—

''(I) take into consideration necessary accommodations for the veteran stemming from the disability or medical condition of the veteran; and

''(II) consult with the primary care provider, neurological specialist, or qualified mental health professional that is treating the veteran.

''(C) The Secretary shall not require the presence of a veteran during portions of an evaluation, assessment, or reassessment to determine eligibility of the veteran for the program established under paragraph (1) that only require the active participation of the caregiver.

''(D)(i) The Secretary shall make reasonable efforts to assist a caregiver and veteran in obtaining evidence necessary to substantiate the claims of the caregiver and veteran in the application process for evaluation, assessment, or reassessment for the program established under paragraph (1).

''(ii)(I) As part of the assistance provided to a caregiver or veteran under clause (i), the Secretary shall make reasonable efforts to obtain relevant private records that the caregiver or veteran adequately identifies to the Secretary.

''(II) Whenever the Secretary, after making reasonable efforts under subclause (I), is unable to obtain all of the relevant records sought, the Secretary shall notify the caregiver and veteran that the Secretary is unable to obtain records with respect to the claim, which shall include—

''(aa) an identification of the records the Secretary is unable to obtain;

''(bb) a brief explanation of the efforts that the Secretary made to obtain such records; and

''(cc) an explanation that the Secretary will make a determination based on the evidence of record and that this clause does not prohibit the submission of records at a later date if such submission is otherwise allowed.

''(III) The Secretary shall make not fewer than two requests to a custodian of a private record in order for an effort to obtain such record to be treated as reasonable under subclause (I), unless it is made evident by the first request that a second request would be futile in obtaining such record.

''(iii) Under regulations prescribed by the Secretary, the Secretary—

''(I) shall encourage a caregiver and veteran to submit relevant private medical records of the veteran to the Secretary to substantiate the claims of the caregiver and veteran in the application process for evaluation, assessment, or reassessment for the program established under paragraph (1) if such submission does not burden the caregiver or veteran; and

''(II) may require the caregiver or veteran to authorize the Secretary to obtain such relevant private medical records if such authorization is required to comply with Federal, State, or local law.

''(17)(A) The Secretary, in consultation with a health care provider, neurological specialist, or qualified mental health professional that is treating a veteran, shall waive the reassessment requirement for the veteran for participation in the program established under paragraph (1) if—

''(i) the serious injury of the veteran under paragraph (2) is significantly caused by a degenerative or chronic condition; and

''(ii) such condition is unlikely to improve the dependency of the veteran for personal care services.

''(B) The Secretary shall require a health care provider, neurological specialist, or qualified mental health professional that is treating a veteran to certify at appropriate intervals determined by the Secretary the clinical decision of the provider, specialist, or professional under subparagraph (A).

''(C) The Secretary may rescind a waiver under subparagraph (A) with respect to a veteran and require a reassessment of the veteran if a health care provider, neurological specialist, or qualified mental health professional that is treating the veteran makes a clinical determination that the level of dependency of the veteran for personal care services has diminished since the last certification of the clinical decision of the provider, specialist, or professional under subparagraph (B).''.

(b) DEFINITIONS.—Subsection (d) of such section, as amended by section 201(a)(3), is further amended—

(1) by redesignating paragraph (5) as paragraph (6);

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) The term 'neurological specialist' means a neurologist, neuropsychiatrist, physiatrist, geriatrician, certified brain injury specialist, neurology nurse, neurology nurse practitioner, neurology physician assistant, or such other licensed medical professional as the Secretary considers appropriate.''; and

(3) by adding at the end the following new paragraph:

''(7) The term 'qualified mental health professional' means a psychiatrist, psychologist, licensed clinical social worker, psychiatric nurse, licensed professional mental health counselor, or other licensed mental health professional as the Secretary considers appropriate.''.

SEC. 203. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO AWARD GRANTS TO ENTITIES TO IMPROVE PROVISION OF MENTAL HEALTH SUPPORT TO FAMILY CAREGIVERS OF VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, as amended by section 104(a)(1), is further amended by adding at the end the following new section:

''§ 1720L. Grants to provide mental health support to family caregivers of veterans

''(a) PURPOSE.—It is the purpose of this section to provide for assistance by the Secretary to entities to carry out programs that improve the provision of mental health support to the family caregivers of veterans participating in the family caregiver program.

''(b) AUTHORITY.—The Secretary may award grants to carry out, coordinate, improve, or otherwise enhance mental health counseling, treatment, or support to the family caregivers of veterans participating in the family caregiver program.

''(c) APPLICATION.—(1) To be eligible for a grant under this section, an entity shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

''(2) Each application submitted under paragraph (1) shall include the following:

''(A) A detailed plan for the use of the grant.

''(B) A description of the programs or efforts through which the entity will meet the outcome measures developed by the Secretary under subsection (g).

''(C) A description of how the entity will distribute grant amounts equitably among areas with varying levels of urbanization.

''(D) A plan for how the grant will be used to meet the unique needs of veterans residing in rural areas, American Indian or Alaska Native veterans, elderly veterans, women veterans, and veterans from other underserved communities.

''(d) DISTRIBUTION.—The Secretary shall seek to ensure that grants awarded under this section are equitably distributed among entities located in States with varying levels of urbanization.

''(e) PRIORITY.—The Secretary shall prioritize awarding grants under this section that will serve the following areas:

''(1) Areas with high rates of veterans enrolled in the family caregiver program.

''(2) Areas with high rates of—

''(A) suicide among veterans; or

''(B) referrals to the Veterans Crisis Line.

''(f) REQUIRED ACTIVITIES.—Any grant awarded under this section shall be used—

''(1) to expand existing programs, activities, and services;

''(2) to establish new or additional programs, activities, and services; or

''(3) for travel and transportation to facilitate carrying out paragraph (1) or (2).

''(g) OUTCOME MEASURES.—(1) The Secretary shall develop and provide to each entity that receives a grant under this section written guidance on the following:

''(A) Outcome measures.

''(B) Policies of the Department.

''(2) In developing outcome measures under paragraph (1), the Secretary shall consider the following goals:

''(A) Increasing the utilization of mental health services among family caregivers of veterans participating in the family caregiver program.

''(B) Reducing barriers to mental health services among family caregivers of veterans participating in such program.

''(h) TRACKING REQUIREMENTS.—(1) The Secretary shall establish appropriate tracking requirements with respect to the entities receiving a grant under this section.

''(2) Not less frequently than annually, the Secretary shall submit to Congress a report on such tracking requirements.

''(i) PERFORMANCE REVIEW.—The Secretary shall—

''(1) review the performance of each entity that receives a grant under this section; and

''(2) make information regarding such performance publicly available.

''(j) REMEDIATION PLAN.—(1) In the case of an entity that receives a grant under this section and does not meet the outcome measures developed by the Secretary under subsection (g), the Secretary shall require the entity to submit to the Secretary a remediation plan under which the entity shall describe how and when it plans to meet such outcome measures.

''(2) The Secretary may not award a subsequent grant under this section to an entity described in paragraph (1) unless the Secretary approves the remediation plan submitted by the entity under such paragraph.

''(k) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 10 percent of amounts made available for grants under this section for the fiscal year in which the grant is awarded.

''(l) SUPPLEMENT, NOT SUPPLANT.—Any grant awarded under this section shall be used to supplement and not supplant funding that is otherwise available through the Department to provide mental health support among family caregivers of veterans participating in the family caregiver program.

''(m) FUNDING.—(1) Amounts for the activities of the Department under this section shall be budgeted and appropriated through a separate appropriation account.

''(2) In the budget justification materials submitted to Congress in support of the budget of the Department for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested to be appropriated for that fiscal year for the account specified in paragraph (1).

''(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2023 through 2025 $50,000,000 to carry out this section.

''(o) DEFINITIONS.—In this section:

''(1) The terms 'caregiver' and 'family caregiver' have the meanings given those terms in section 1720G(d) of this title.

''(2) The term 'family caregiver program' means the program of comprehensive assistance for family caregivers under section 1720G(a) of this title.

''(3) The term 'Veterans Crisis Line' means the toll-free hotline for veterans established under section 1720F(h) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 104(a)(2), is further amended by adding at the end the following new item:

''1720L. Grants to provide mental health support to family caregivers of veterans.''.

SEC. 204. COMPTROLLER GENERAL REPORT ON MENTAL HEALTH SUPPORT FOR CAREGIVERS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provision of mental health support to caregivers of veterans.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An assessment of the need for mental health support among caregivers participating in the caregiver programs.

(2) An assessment of options for mental health support in facilities of the Department of Veterans Affairs and in the community for caregivers participating in the caregiver programs.

(3) An assessment of the availability and accessibility of mental health support in facilities of the Department and in the community for caregivers participating in the caregiver programs.

(4) An assessment of the awareness among caregivers of the availability of mental health support in facilities of the Department and in the community for caregivers participating in the caregiver programs.

(5) An assessment of barriers to mental health support in facilities of the Department and in the community for caregivers participating in the caregiver programs.

(c) DEFINITIONS.—In this section:

(1) CAREGIVER.—The term ''caregiver'' has the meaning given that term in section 1720G(d) of title 38, United States Code.

(2) CAREGIVER PROGRAMS.—The term ''caregiver programs'' means—

(A) the program of comprehensive assistance for family caregivers under subsection (a) of section 1720G of title 38, United States Code; and

(B) the program of support services for caregivers under subsection (b) of such section.

TITLE III—MEDICINAL CANNABIS RESEARCH

SEC. 301. DEFINITIONS.

In this title:

(1) COVERED VETERAN.—The term ''covered veteran'' means a veteran who is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) SECRETARY.— The term ''Secretary'' means the Secretary of Veterans Affairs.

SEC. 302. DEPARTMENT OF VETERANS AFFAIRS LARGE-SCALE, MIXED METHODS, RETROSPECTIVE QUALITATIVE STUDY ON THE EFFECTS OF CANNABIS ON CERTAIN HEALTH OUTCOMES OF VETERANS WITH CHRONIC PAIN AND POST-TRAUMATIC STRESS DISORDER.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary, through the Office of Research and Development of the Department of Veterans Affairs, shall carry out a large-scale, mixed methods, retrospective, and qualitative study on the effects of cannabis on the health outcomes of covered veterans diagnosed with chronic pain and covered veterans diagnosed with post-traumatic stress disorder.

(2) OBSERVATIONAL STUDY.—The study required by paragraph (1) shall be conducted as an observational study on the effects of cannabis use on the health of covered veterans.

(3) ELEMENTS.—

(A) IN GENERAL.—The study required by paragraph (1) shall—

(i) triangulate a range of data sources;

(ii) compare the positive and negative health outcomes of covered veterans who use cannabis, utilizing outcomes that can be measured in an electronic health record of the Department and through data sets of the Department relating to claims for benefits under the laws administered by the Secretary;

(iii) elicit the positive and negative outcomes of cannabis use for covered veterans through semi-structured interviews;

(iv) estimate current and future health system needs to address positive and negative outcomes of cannabis use for covered veterans;

(v) include a qualitative, open-ended survey provided to covered veterans who have sought care from the Department for chronic pain or post-traumatic stress disorder during the five-year period preceding the survey; and

(vi) include an assessment of—

(I) all records within the Veterans Health Administration for covered veterans participating in the study; and

(II) all records within the Veterans Benefits Administration for covered veterans participating in the study.

(B) HEALTH OUTCOMES.—A comparison of health outcomes under subparagraph (A)(ii) shall include an assessment of the following:

(i) The reduction or increase in opiate use or dosage.

(ii) The reduction or increase in benzodiazepine use or dosage.

(iii) The reduction or change in use of other types of medication.

(iv) The reduction or increase in alcohol use.

(v) The reduction or increase in the prevalence of substance abuse disorders.

(vi) Sleep quality.

(vii) Osteopathic pain (including pain intensity and pain-related outcomes).

(viii) Agitation.

(ix) Quality of life.

(x) Mortality and morbidity.

(xi) Hospital readmissions.

(xii) Any newly developed or exacerbated health conditions, including mental health conditions.

(b) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall commence the implementation of the study required by subsection (a)(1).

(c) DURATION OF STUDY.—The study required by subsection (a)(1) shall be carried out for an 18-month period.

(d) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the completion of the study required by subsection (a)(1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study.

(2) ABILITY TO CONDUCT CLINICAL TRIALS.—The Secretary shall include in the report required by paragraph (1) an assessment of whether the Secretary is able to meet the criteria necessary to conduct the clinical trials required under section 303, including consideration of subsection (e)(1) of such section.

SEC. 303. DEPARTMENT OF VETERANS AFFAIRS CLINICAL TRIALS ON THE EFFECTS OF CANNABIS ON CERTAIN HEALTH OUTCOMES OF VETERANS WITH CHRONIC PAIN AND POST-TRAUMATIC STRESS DISORDER.

(a) CLINICAL TRIALS REQUIRED.—

(1) IN GENERAL.—If the Secretary indicates in the report required by section 302(d) that the Secretary is able to meet the criteria necessary to proceed to clinical trials, commencing not later than 180 days after the submittal of that report, the Secretary shall carry out a series of clinical trials on the effects of cannabis appropriate for investigational use, as determined by the Food and Drug Administration under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)), on the health outcomes of covered veterans diagnosed with chronic pain and covered veterans diagnosed with post-traumatic stress disorder.

(2) CONSIDERATIONS.—The clinical trials required by paragraph (1) shall include, as appropriate, an evaluation of key symptoms, clinical outcomes, and conditions associated with chronic pain and post-traumatic stress disorder, which may include—

(A) with respect to covered veterans diagnosed with chronic pain, an evaluation of the effects of the use of cannabis on—

(i) osteopathic pain (including pain intensity and pain-related outcomes);

(ii) the reduction or increase in opioid use or dosage;

(iii) the reduction or increase in benzodiazepine use or dosage;

(iv) the reduction or increase in alcohol use;

(v) the reduction or increase in the prevalence of substance use disorders;

(vi) inflammation;

(vii) sleep quality;

(viii) agitation;

(ix) quality of life;

(x) exacerbated or new mental health conditions; and

(xi) suicidal ideation.

(B) with respect to covered veterans diagnosed with post-traumatic stress disorder, an evaluation of the effects of the use of cannabis on—

(i) the symptoms of post-traumatic stress disorder (PTSD) as established by or derived from the clinician administered PTSD scale, the PTSD checklist, the PTSD symptom scale, the post-traumatic diagnostic scale, and other applicable methods of evaluating symptoms of post-traumatic stress disorder;

(ii) the reduction or increase in benzodiazepine use or dosage;

(iii) the reduction or increase in alcohol use;

(iv) the reduction or increase in the prevalence of substance use disorders;

(v) mood;

(vi) anxiety;

(vii) social functioning;

(viii) agitation;

(ix) suicidal ideation; and

(x) sleep quality, including frequency of nightmares and night terrors.

(3) OPTIONAL ELEMENTS.—The clinical trials required by paragraph (1) may include, as appropriate, an evaluation of the effects of the use of cannabis to treat chronic pain and post-traumatic stress disorder on other symptoms, clinical outcomes, and conditions not covered by paragraph (2), which may include—

(A) pulmonary function;

(B) cardiovascular events;

(C) head, neck, and oral cancer;

(D) testicular cancer;

(E) ovarian cancer;

(F) transitional cell cancer;

(G) intestinal inflammation;

(H) motor vehicle accidents; or

(I) spasticity.

(b) LONG-TERM OBSERVATIONAL STUDY.—The Secretary may carry out a long-term observational study of the participants in the clinical trials required by subsection (a).

(c) TYPE OF CANNABIS.—

(1) IN GENERAL.—In carrying out the clinical trials required by subsection (a), the Secretary shall study varying forms of cannabis, including whole plant raw material and extracts, and may study varying routes of administration.

(2) PLANT CULTIVARS.—Of the varying forms of cannabis required under paragraph (1), the Secretary shall study plant cultivars with varying ratios of tetrahydrocannabinol to cannabidiol.

(d) IMPLEMENTATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall—

(1) develop a plan to implement this section and submit such plan to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives; and

(2) issue any requests for proposals the Secretary determines appropriate for such implementation.

(e) TERMINATION OF CLINICAL TRIALS.—

(1) CLINICAL GUIDELINE REQUIREMENTS OR EXCESSIVE RISK.—The Secretary may terminate the clinical trials required by subsection (a) if the Secretary determines that the Department of Veterans Affairs is unable to meet clinical guideline requirements necessary to conduct such trials or the clinical trials would create excessive risk to participants.

(2) COMPLETION UPON SUBMITTAL OF FINAL REPORT.—The Secretary may terminate the clinical trials required by subsection (a) upon submittal of the final report required under subsection (f)(2).

(f) REPORTS.—

(1) PERIODIC REPORTS.—During the five-year period beginning on the date of the commencement of clinical trials required by subsection (a), the Secretary shall submit periodically, but not less frequently than annually, to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives reports on the implementation of this section.

(2) FINAL REPORT.—Not later than one year after the completion of the five-year period specified in paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a final report on the implementation of this section.

SEC. 304. ADMINISTRATION OF STUDY AND CLINICAL TRIALS.

(a) DEMOGRAPHIC REPRESENTATION.—In carrying out the study required by section 302 and the clinical trials required by section 303, the Secretary shall ensure representation in such study and trials of demographics that represent the population of veterans in the United States, as determined by the most recently available data from the American Community Survey of the Bureau of the Census.

(b) DATA PRESERVATION.—The Secretary shall ensure that the study required by section 302 and the clinical trials required by section 303 include a mechanism to ensure—

(1) the preservation of all data, including all data sets and survey results, collected or used for purposes of such study and trials in a manner that will facilitate further research; and

(2) registration of such data in the database of privately and publicly funded clinical studies maintained by the National Library of Medicine (or successor database).

(c) ANONYMOUS DATA.—The Secretary shall ensure that data relating to any study or clinical trial conducted under this Act is anonymized and cannot be traced back to an individual patient.

(d) EFFECT ON OTHER BENEFITS.—The eligibility or entitlement of a covered veteran to any other benefit under the laws administered by the Secretary or any other provision of law shall not be affected by the participation of the covered veteran in the study under section 302, a clinical trial under section 303(a), or a study under section 303(b).

(e) EFFECT ON OTHER LAWS.—Nothing in this Act shall affect or modify—

(1) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(2) section 351 of the Public Health Service Act (42 U.S.C. 262); or

(3) the authority of the Commissioner of Food and Drugs and the Secretary of Health and Human Services—

(A) under—

(i) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(ii) section 351 of the Public Health Service Act (42 U.S.C. 262); or

(B) to promulgate Federal regulations and guidelines pertaining to cannabidiol, marijuana, or other subject matter addressed in this title.

TITLE IV—HOUSING MATTERS

SEC. 401. IMPROVEMENTS TO PROGRAM FOR DIRECT HOUSING LOANS MADE TO NATIVE AMERICAN VETERANS BY THE SECRETARY OF VETERANS AFFAIRS.

(a) GENERAL AUTHORITIES AND REQUIREMENTS.—

(1) DIRECT HOUSING LOANS TO NATIVE AMERICAN VETERANS.—Section 3762(a) of title 38, United States Code, is amended to read as follows:

''(a) The Secretary may make a direct housing loan to a Native American veteran under this subchapter if the Secretary ensures the following:

''(1) That each Native American veteran to whom the Secretary makes a direct housing loan under this subchapter—

''(A) holds, possesses, or purchases using the proceeds of the loan a meaningful interest in a lot or dwelling (or both) that is located on trust land; and

''(B) will purchase, construct, or improve (as the case may be) a dwelling on the lot using the proceeds of the loan.

''(2) That each such Native American veteran will convey to the Secretary by an appropriate instrument the interest referred to in paragraph (1)(A) as security for a direct housing loan under this subchapter.

''(3) That the Secretary, including the Secretary's employees or agents, may enter upon the trust land for the purposes of carrying out such actions as the Secretary determines are necessary, including—

''(A) to evaluate the advisability of the loan;

''(B) to monitor any purchase, construction, or improvements carried out using the proceeds of the loan; and

''(C) to manage any servicing or post-foreclosure activities, including acquisition, property inspections, and property management.

''(4) That there are established standards and procedures that apply to the foreclosure of the interest conveyed by a Native American veteran pursuant to paragraph (2), including—

''(A) procedures for foreclosing the interest; and

''(B) procedures for the resale of the lot or dwelling (or both) purchased, constructed, or improved using the proceeds of the loan.

''(5) That the loan is made in a responsible and prudent manner, subject to standards and procedures as are necessary for the reasonable protection of the financial interests of the United States.''.

(2) MEMORANDUMS OF UNDERSTANDING, AGREEMENTS, AND DETERMINATIONS.—Section 3762(b) of such title is amended to read as follows:

''(b)(1) To carry out the purpose of subsection (a), the Secretary may—

''(A) enter into a memorandum of understanding with a tribal organization, other entity, or individual;

''(B) rely on agreements or determinations of other Federal agencies to guarantee, insure, or make loans on trust land; and

''(C) enter into other agreements or take such other actions as the Secretary determines necessary.

''(2) If the Secretary determines that the requirements under subsection (a) are not being enforced by a tribal organization, other entity, or individual that is a party to any memorandum of understanding, agreement, or determination described in paragraph (1), the Secretary may cease making new direct housing loans to Native Americans veterans under this subchapter within the area of the authority of the tribal organization, other entity, or individual (as the case may be).''.

(b) DIRECT LOANS TO NATIVE AMERICAN VETERANS TO REFINANCE EXISTING MORTGAGE LOANS.—Section 3762(h) of such title is amended to read as follows:

''(h) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing mortgage loans for any of the following purposes:

''(1) To refinance an existing loan made under this section, if the loan—

''(A) meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title;

''(B) will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced; and

''(C) complies with paragraphs (2) and (3) of section 3710(e) of this title, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.

''(2) To refinance an existing mortgage loan not made under this section on a dwelling owned and occupied by the veteran as the veteran's home, if all of the following requirements are met:

''(A) The loan will be secured by the same dwelling as was the loan being refinanced.

''(B) The loan will provide the veteran with a net tangible benefit.

''(C) The nature and condition of the property is such as to be suitable for dwelling purposes.

''(D) The amount of the loan does not exceed either of the following:

''(i) 100 percent of the reasonable value of the dwelling, with such reasonable value determined under the procedures established by the Secretary under subsection (d)(2).

''(ii) An amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount points) as may be authorized by the Secretary to be included in the loan.

''(E) Notwithstanding subparagraph (D), if a loan is made for both the purpose of this paragraph and to make energy efficiency improvements, the loan must not exceed either of the following:

''(i) 100 percent of the reasonable value of the dwelling as improved for energy efficiency, with such reasonable value determined under the procedures established by the Secretary under subsection (d)(2).

''(ii) The amount referred to under subparagraph (D)(ii), plus the applicable amount specified under section 3710(d)(2) of this title.

''(F) The loan meets all other requirements the Secretary may establish under this subchapter.

''(G) The existing mortgage being refinanced is a first lien on the property and secured of record.

''(3) To refinance an existing mortgage loan to repair, alter, or improve a dwelling owned by the veteran and occupied by the veteran as the veteran's home, if all of the following requirements are met:

''(A) The loan will be secured by the same dwelling as was the loan being refinanced.

''(B) The nature and condition of the property is such as to be suitable for dwelling purposes, and the repair, alteration, or improvement substantially protects or improves the basic livability or utility of such property.

''(C) The amount of the loan, including the costs of repairs, alterations, and improvements, does not exceed either of the following:

''(i) 100 percent of the reasonable value of the dwelling as repaired, altered, or improved, with such reasonable value determined under the procedures established by the Secretary under subsection (d)(2).

''(ii) An amount equal to the sum of—

''(I) the balance of the loan being refinanced;

''(II) the actual cost of repairs, alterations, or improvements; and

''(III) such closing costs (including any discount points) as may be authorized by the Secretary to be included in the loan.

''(D) The loan meets all other requirements the Secretary may establish under this subchapter.

''(E) The existing mortgage loan being refinanced is a first lien on the property and secured of record.''.

(c) EXPANSION OF OUTREACH PROGRAM ON AVAILABILITY OF DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS.—Section 3762(i)(2) of such title is amended by adding at the end the following new subparagraph:

''(G) Pursuant to subsection (g)(4), assisting Native American veterans in qualifying for mortgage financing by—

''(i) partnering with local service providers, such as tribal organizations, tribally designated housing entities, Native community development financial institutions, and nonprofit organizations, for conducting outreach, homebuyer education, housing counseling, and post-purchase education; and

''(ii) providing other technical assistance as needed.

''(H) Attending conferences and conventions conducted by the network of Native community development financial institutions and other Native American homeownership organizations to provide information and training to Native community development financial institutions about the availability of the relending program under section 3762A of this title.''.

(d) ADEQUATE PERSONNEL.—Section 3762 of such title is amended by adding at the end the following new subsection:

''(k) The Secretary shall assign a sufficient number of personnel of the Department dedicated to carrying out the authority of the Secretary under this subchapter, including construction and valuation specialists to assist with issues unique to new construction and renovations on trust land.''.

(e) DEFINITIONS.—Section 3765 of such title is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (C) to read as follows:

''(C) is located in the State of Alaska within a region established under section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));'';

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(E) is defined by the Secretary of the Interior and recognized by the United States as land over which an Indian Tribe has governmental dominion; or

''(F) is on any land that the Secretary determines is provided to Native American veterans because of their status as Native Americans.''; and

(2) by adding at the end the following new paragraphs:

''(6) The term 'community development financial institution' has the meaning given that term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

''(7) The term 'Indian Tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(8) The term 'Native community development financial institution' means any entity—

''(A) that has been certified as a community development financial institution by the Secretary of the Treasury;

''(B) that is not less than 51 percent owned or controlled by Native Americans; and

''(C) for which not less than 51 percent of the activities of the entity serve Native Americans.

''(9) The term 'net tangible benefit' shall have such meaning as the Secretary determines appropriate, but shall include the refinance of an interim construction loan.

''(10) The term 'other technical assistance' means services to assist a Native American veteran to navigate the steps necessary for securing a mortgage loan on trust land, including pre-development activities related to utilities, identifying appropriate residential construction services, and obtaining lease clearances and title status reports from the applicable tribal organization or the Bureau of Indian Affairs.

''(11) The term 'tribally designated housing entity' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

(f) INTEREST RATE REDUCTION FINANCING LOAN.—Section 3729(b)(4)(F) of such title is amended by striking ''3762(h)'' and inserting ''3762(h)(1)''.

(g) REGULATIONS.—Section 3761 of such title is amended by adding at the end the following new subsection:

''(c) The Secretary shall prescribe such regulations as may be necessary to carry out this subchapter.''.

SEC. 402. NATIVE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION RELENDING PROGRAM.

(a) IN GENERAL.—Subchapter V of chapter 37 of title 38, United States Code, is amended by inserting after section 3762 the following new section:

''§ 3762A. Native community development financial institution relending program

''(a) PURPOSE.—The Secretary may make a loan to a Native community development financial institution for the purpose of allowing the institution to relend loan amounts to qualified Native American veterans, subject to the requirements of this section.

''(b) STANDARDS.—

''(1) IN GENERAL.—The Secretary shall establish standards to be used in evaluating whether to make a loan to a Native community development financial institution under this section.

''(2) REQUIREMENTS.—In establishing standards under paragraph (1), the Secretary shall ensure that a Native community development financial institution—

''(A) is able to originate and service loans for single-family homes;

''(B) is able to operate the relending program in a manner consistent with the mission of the Department to serve veterans; and

''(C) uses loan amounts received under this section only for the purpose of relending, as described in subsection (c), to Native American veterans.

''(c) RELENDING REQUIREMENTS.—

''(1) IN GENERAL.—A Native community development financial institution that receives a loan under this section shall use the loan amounts to make loans to Native American veterans residing on trust land.

''(2) REQUIREMENTS.—A loan to a Native American veteran made by a Native community development financial institution under paragraph (1) shall—

''(A) be limited either to the purpose of purchase, construction, or improvement of a dwelling located on trust land or to the refinance of an existing mortgage loan for a dwelling on trust land, consistent with the requirements of section 3762(h) of this title; and

''(B) comply with such terms and conditions as the Secretary determines are necessary to protect against predatory lending, including the interest rate charged on a loan to a Native American veteran.

''(d) REPAYMENT.—A loan made to a Native community development financial institution under this section shall—

''(1) be payable to the Secretary upon such terms and conditions as are prescribed in regulations pursuant to this subchapter; and

''(2) bear interest at a rate of one percent.

''(e) OVERSIGHT.—Subject to notice and opportunity for a hearing, whenever the Secretary finds with respect to loans made under subsections (a) or (c) that any Native community development financial institution has failed to maintain adequate loan accounting records, to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or that such Native community development financial institution has willfully or negligently engaged in practices otherwise detrimental to the interest of veterans or of the Government, the Secretary may take such actions as the Secretary determines necessary to protect veterans or the Government, such as requiring immediate repayment of any loans made under subsection (a) and the assignment to the Secretary of loans made under subsection (c).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by inserting after the item relating to section 3762 the following new item:

''3762A. Native community development financial institution relending program.''.

(c) NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT.—Section 3763 of such title is amended by adding at the end the following new subsection:

''(c) Of amounts available in the Account, the Secretary may use for loans made under section 3762A of this title—

''(1) in fiscal year 2024, not more than $5,000,000; and

''(2) in any fiscal year after fiscal year 2024, an amount as determined necessary by the Secretary to meet the demand for such loans.''.

SEC. 403. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, as most recently amended by section 204 of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 (division U of Public Law 117–328), is further amended by striking ''November 14, 2031'' each place it appears and inserting ''March 14, 2032''.

TITLE V—OTHER MATTERS

SEC. 501. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO AWARD GRANTS TO STATES TO IMPROVE OUTREACH TO VETERANS.

(a) IN GENERAL.—Chapter 63 of title 38, United States Code, is amended—

(1) by redesignating sections 6307 and 6308 and sections 6308 and 6309, respectively; and

(2) by inserting after section 6306 the following new section 6307:

''§ 6307. Grants to States to improve outreach to veterans

''(a) PURPOSE.—It is the purpose of this section to provide for assistance by the Secretary to States to carry out programs that improve outreach and assistance to veterans and the spouses, children, and parents of veterans, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans and veterans-related benefits and programs (including State veterans programs) for which they may be eligible.

''(b) AUTHORITY.—The Secretary may award grants to States—

''(1) to carry out, coordinate, improve, or otherwise enhance—

''(A) outreach activities; or

''(B) activities to assist in the development and submittal of claims for veterans and veterans-related benefits; or

''(2) to increase the number of county or tribal veterans service officers serving in the State by hiring new, additional such officers.

''(c) APPLICATION.—(1) To be eligible for a grant under this section, a State shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

''(2) Each application submitted under paragraph (1) shall include the following:

''(A) A detailed plan for the use of the grant.

''(B) A description of the programs through which the State will meet the outcome measures developed by the Secretary under subsection (i).

''(C) A description of how the State will distribute grant amounts equitably among counties with varying levels of urbanization.

''(D) A plan for how the grant will be used to meet the unique needs of American Indian veterans, Alaska Native veterans, or Native Hawaiian veterans, elderly veterans, women veterans, and veterans from other underserved communities.

''(d) DISTRIBUTION.—The Secretary shall seek to ensure that grants awarded under this section are equitably distributed among States with varying levels of urbanization.

''(e) PRIORITY.—The Secretary shall prioritize awarding grants under this section that will serve the following areas:

''(1) Areas with a critical shortage of county or tribal veterans service officers.

''(2) Areas with high rates of—

''(A) suicide among veterans; or

''(B) referrals to the Veterans Crisis Line.

''(f) USE OF COUNTY OR TRIBAL VETERANS SERVICE OFFICERS.—A State that receives a grant under this section to carry out an activity described in subsection (b)(1) shall carry out the activity through—

''(1) a county or tribal veterans service officer of the State; or

''(2) if the State does not have a county or tribal veterans service officer, or if the county or tribal veterans service officers of the State cover only a portion of that State, an appropriate entity of a State, local, or tribal government, or another publicly funded entity, as determined by the Secretary.

''(g) REQUIRED ACTIVITIES.—Any grant awarded under this section shall be used—

''(1) to expand existing programs, activities, and services;

''(2) to hire new, additional county or tribal veterans service officers; or

''(3) for travel and transportation to facilitate carrying out paragraph (1) or (2).

''(h) AUTHORIZED ACTIVITIES.—A grant under this section may be used to provide education and training, including on-the-job training, for State, county, local, and tribal government employees who provide (or when trained will provide) veterans outreach services in order for those employees to obtain accreditation in accordance with procedures approved by the Secretary.

''(i) OUTCOME MEASURES.—(1) The Secretary shall develop and provide to each State that receives a grant under this section written guidance on the following:

''(A) Outcome measures.

''(B) Policies of the Department.

''(2) In developing outcome measures under paragraph (1), the Secretary shall consider the following goals:

''(A) Increasing the use of veterans and veterans-related benefits, particularly among vulnerable populations.

''(B) Increasing the number of county and tribal veterans service officers recognized by the Secretary for the representation of veterans under chapter 59 of this title.

''(j) TRACKING REQUIREMENTS.—(1) With respect to each grant awarded under this section, the Secretary shall track the use of veterans and veterans-related benefits among the population served by the grant, including the average period of time between the date on which a veteran applies for such a benefit and the date on which the veteran receives the benefit, disaggregated by type of benefit.

''(2) Not less frequently than annually, the Secretary shall submit to Congress a report on the information tracked under paragraph (1).

''(k) PERFORMANCE REVIEW.—(1) The Secretary shall—

''(A) review the performance of each State that receives a grant under this section; and

''(B) make information regarding such performance publicly available.

''(l) REMEDIATION PLAN.—(1) In the case of a State that receives a grant under this section and does not meet the outcome measures developed by the Secretary under subsection (i), the Secretary shall require the State to submit a remediation plan under

which the State shall describe how and when it plans to meet such outcome measures.

''(2) The Secretary may not award a subsequent grant under this section to a State described in paragraph (1) unless the Secretary approves the remediation plan submitted by the State.

''(m) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 10 percent of amounts made available for grants under this section for the fiscal year in which the grant is awarded.

''(n) SUPPLEMENT, NOT SUPPLANT.—Any grant awarded under this section shall be used to supplement and not supplant State and local funding that is otherwise available.

''(o) DEFINITIONS.—In this section:

''(1) The term 'county or tribal veterans service officer' includes a local equivalent veterans service officer.

''(2) The term 'Veterans Crisis Line' means the toll-free hotline for veterans established under section 1720F(h) of this title.

''(p) FUNDING.—(1) Amounts for the activities of the Department under this section shall be budgeted and appropriated through a separate appropriation account.

''(2) In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested to be appropriated for that fiscal year for the account specified in paragraph (1).

''(q) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2023, 2024, and 2025, $50,000,000 to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by striking the items relating to sections 6307 and 6308 and inserting the following new items:

''6307. Grants to States to improve outreach to veterans.
''6308. Outreach for eligible dependents.
''6309. Biennial report to Congress.''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have seven requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, April 20, 2023, at 10 a.m., to conduct a subcommittee hearing.

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet in closed and open session during the session of the Senate on Thursday, April 20, 2023, at 8 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, April 20, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, April 20, 2023, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, April 20, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on The Judiciary is authorized to meet during the session of the Senate on Thursday, April 20, 2023, at 10 a.m., to conduct an executive business meeting.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, April 20, 2023, at 9:30 a.m., to conduct a hearing.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2023 first quarter Mass Mailing report is Tuesday, April 25, 2023. An electronic option is available on Webster that will allow forms to be submitted via a fillable PDF document. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations or negative reports can be submitted electronically at http://webster.senate.gov/secretary/mass_mailing_form.htm or e-mailed to OPR_MassMailings@sec.senate.gov.

For further information, please contact the Senate Office of Public Records at (202) 224-0322.

ORDERS FOR FRIDAY, APRIL 21, 2023, THROUGH TUESDAY, APRIL 25, 2023

Mr. CARPER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned to convene for a pro forma session, with no business being conducted, at 10 a.m. on Friday, April 21; that when the Senate adjourns on Friday, it stand adjourned until 3 p.m. on Tuesday, April 25; that on Tuesday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session and resume consideration of the Jacobs nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday, April 25.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CARPER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 3:30 p.m., adjourned until Friday, April 21, 2023, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. SCOTT L. PLEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. DALE R. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID A. HARRIS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID R. IVERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEVIN B. SCHNEIDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LAURA L. LENDERMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE ARMY AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 7033:

To be general

GEN. RANDY A. GEORGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID M. HODNE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE, AND APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8084:

To be lieutenant general

MAJ. GEN. LEONARD F. ANDERSON IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER B. TURNER, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. YVETTE M. DAVIDS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BRENDAN R. MCLANE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN E. GUMBLETON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CHRISTOPHER S. GRAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. CHARLES B. COOPER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES E. PITTS